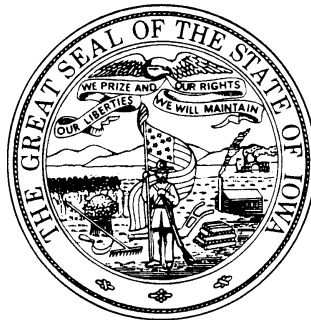


IOWA COURT RULES

FIFTH EDITION

January 2012 Supplement



Published under the authority of Iowa Code section 2B.5(2).

STEPHANIE A. HOFF
ADMINISTRATIVE CODE EDITOR

PREFACE

The Fifth Edition of the Iowa Court Rules was published in July 2009 pursuant to Iowa Code section 2B.5(2). Subsequent updates to the Iowa Court Rules, as ordered by the Supreme Court, are published in electronic format only and include chapters that have been amended or adopted.

The Iowa Court Rules and related court documents are available on the Internet at <http://www.legis.state.ia.us/aspx/CourtRules/pubDateListing.aspx>.

To receive e-mail notification of the publication of a Supplement to the Iowa Court Rules, subscribe at <http://www.legis.state.ia.us/maillist/PublicationLists.html>.

Inquiries: Inquiries regarding access to the Iowa Court Rules should be directed to the Legislative Services Agency's Computer Services Division Help Desk at (515)281-6506.

Citation: The rules shall be cited as follows:

Chapter 1	Iowa R. Civ. P.
Chapter 2	Iowa R. Crim. P.
Chapter 5	Iowa R. Evid.
Chapter 6	Iowa R. App. P.
Chapter 32	Iowa R. of Prof'l Conduct
Chapter 51	Iowa Code of Judicial Conduct

All other rules shall be cited as "Iowa Ct. R."

Supplements: Supplements to the Fifth Edition of the Iowa Court Rules have been issued as follows:

August 2009	December 2010
September 2009	February 2011
October 2009	
November 2009	
December 2009	
January 2010	
February 2010	
March 2010	
May 2010	
June 2010	
August 2010	
September 2010	

January 2012 Supplement

Changes in this supplement

Chapter 11.....	Replaced	Rule 22.19(1).....	Amended
Rule 12.36, Form 3	Amended	Rule 39.5, footnote	Deleted
Rule 12.36, Form 13.....	Amended	Rule 46.13(4).....	Amended

INSTRUCTIONS FOR UPDATING THE IOWA COURT RULES

Replace Chapters 11 and 12

Replace Chapter 22

Replace Chapter 39

Replace Chapter 46

CHAPTER 11

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CHAPTER 11

STANDARDS OF CONDUCT FOR MEDIATORS

PREAMBLE

[1] Mediation is used to resolve a broad range of conflicts within a variety of settings. These standards are designed to serve as fundamental ethical guidelines for persons mediating in all practice contexts. The standards serve three primary goals: to guide the conduct of mediators; to inform the mediating parties; and to promote public confidence in mediation as a process for resolving disputes.

[2] Mediation is a process in which an impartial third party facilitates communication and negotiation and promotes voluntary decision making by the parties to the dispute.

[3] Mediation serves various purposes, including providing the opportunity for parties to define and clarify issues, understand different perspectives, identify interests, explore and assess possible solutions, and reach mutually satisfactory agreements, when desired.

CONSTRUCTION

[1] These standards are to be read and construed in their entirety. There is no priority significance attached to the sequence in which the standards appear. The use of the term “shall” in a standard indicates that the mediator must follow the practice described. The use of the term “should” indicates that the practice described in the standard is highly desirable but not required, is to be departed from only for very strong reasons, and requires careful use of judgment and discretion.

[2] The use of the term “mediator” is inclusive and applies to co-mediator models.

[3] These standards do not include specific temporal parameters when referencing a mediation, and therefore, do not define the exact beginning or ending of a mediation.

[4] Various aspects of a mediation, including some matters covered by these standards, may also be affected by applicable law, court rules, regulations, other applicable professional rules, mediation rules to which the parties have agreed, and other agreements of the parties. These sources may create conflicts with, and may take precedence over, these standards. A mediator, however, should make every effort to comply with the spirit and intent of these standards in resolving such conflicts. This effort should include honoring all remaining standards not in conflict with these other sources.

Rule 11.1 Scope. These standards apply to mediators who are lawyers licensed to practice law in Iowa, mediators who participate in any mediation program approved by a court of this state, and mediators in any matter an Iowa court order or rule requires to be mediated.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.2 Self-determination.

11.2(1) A mediator shall conduct a mediation based on the principle of party self-determination. Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome. Parties may exercise self-determination at any stage of mediation, including mediator selection, process design, participation in or withdrawal from the process, and outcomes.

a. Although party self-determination for process design is a fundamental principle of mediation practice, a mediator may need to balance such party self-determination with a mediator’s duty to conduct a quality process in accordance with these standards.

b. A mediator cannot personally ensure that each party has made free and informed choices to reach particular decisions, but where appropriate, a mediator should make the parties aware of the importance of consulting other professionals to help the parties make informed choices.

11.2(2) A mediator shall not undermine any party’s self-determination for reasons such as higher settlement rates, egos, increased fees, or outside pressures from court personnel, program administrators, provider organizations, the media, or others.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.3 Impartiality.

11.3(1) A mediator shall decline a mediation if the mediator cannot conduct it in an impartial manner. Impartiality means freedom from favoritism, bias, or prejudice.

11.3(2) A mediator shall conduct a mediation in an impartial manner and avoid conduct that gives the appearance of partiality.

a. A mediator should not act with partiality or prejudice based on any participant's personal characteristics, background, values and beliefs, or performance at a mediation, or any other reason.

b. A mediator should neither give nor accept a gift, favor, loan, or other item of value that raises a question as to the mediator's actual or perceived impartiality.

c. A mediator may accept or give de minimis gifts or incidental items or services that are provided to facilitate mediation or respect cultural norms so long as such practices do not raise questions as to a mediator's actual or perceived impartiality.

11.3(3) If at any time a mediator is unable to conduct a mediation in an impartial manner, the mediator shall withdraw.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.4 Conflicts of interest.

11.4(1) A mediator shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation. A conflict of interest that reasonably raises a question of a mediator's impartiality can arise from a mediator's involvement with the subject matter of the dispute or from any relationship between a mediator and any mediation participant, whether past or present, personal or professional.

11.4(2) A mediator shall make a reasonable inquiry to determine whether there are any facts that a reasonable individual would consider likely to create a potential or actual conflict of interest for a mediator. A mediator's actions necessary to accomplish a reasonable inquiry into potential conflicts of interest may vary based on practice context.

11.4(3) A mediator shall disclose, as soon as practicable, all actual and potential conflicts of interest that are reasonably known to the mediator and could reasonably be seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation.

11.4(4) If a mediator learns any fact after accepting a mediation that raises a question with respect to that mediator's service creating a potential or actual conflict of interest, the mediator shall disclose it to all parties as quickly as practicable. After disclosure, if all parties agree, the mediator may proceed with the mediation.

11.4(5) If a mediator's conflict of interest might reasonably be viewed as undermining the integrity of the mediation, a mediator shall withdraw from or decline to proceed with the mediation regardless of the expressed desire or agreement of the parties to the contrary.

11.4(6) Subsequent to a mediation, a mediator shall not establish another relationship with any of the participants in any matter that would raise questions about the integrity of the mediation. When a mediator develops personal or professional relationships with parties, other individuals, or organizations following a mediation in which the parties, individuals, or organizations were involved, the mediator should consider factors such as time elapsed following the mediation, the nature of the relationships established, and services offered when determining whether the relationships might create a perceived or actual conflict of interest.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.5 Competence.

11.5(1) A mediator shall mediate only when the mediator has the necessary competence to satisfy the reasonable expectations of the parties.

a. Any person may be selected as a mediator, provided that the parties are satisfied with the mediator's competence and qualifications. Training, experience in mediation, skills, cultural understandings, and other qualities are often necessary for mediator competence. A person who offers to serve as a mediator creates the expectation that the person is competent to mediate effectively.

b. A mediator should attend educational programs and related activities to maintain and enhance the mediator's knowledge and skills related to mediation.

c. A mediator should have available for the parties information relevant to the mediator's training, education, experience, and approach to conducting a mediation.

11.5(2) If a mediator, during the course of a mediation, determines that the mediator cannot conduct the mediation competently, the mediator shall discuss that determination with the parties as soon as is practicable and take appropriate steps to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance.

11.5(3) If a mediator's ability to conduct a mediation is impaired by drugs, alcohol, or medication, or is otherwise impaired, the mediator shall not conduct the mediation.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.6 Confidentiality.

11.6(1) A mediator shall maintain the confidentiality of all information the mediator obtains in mediation, unless the parties otherwise agree or as required by applicable law.

a. If the parties to a mediation agree, the mediator may disclose information obtained during the mediation.

b. A mediator should not communicate to any non-participant information about how the parties acted in the mediation. A mediator may report, if required, whether parties appeared at a scheduled mediation and whether or not the parties reached a resolution.

c. If a mediator participates in teaching, research, or evaluation of mediation, the mediator should protect the anonymity of the parties and abide by their reasonable expectations regarding confidentiality.

11.6(2) A mediator who meets with any persons in private session during a mediation shall not convey directly or indirectly to any other person any information that was obtained during that private session without the consent of the disclosing person.

11.6(3) A mediator shall promote understanding among the parties of the extent to which the parties will maintain confidentiality of information they obtain in a mediation.

11.6(4) Depending on the circumstance of a mediation, the parties may have varying expectations regarding confidentiality that a mediator should address. The parties may make their own rules with respect to confidentiality, or the accepted practice of an individual mediator or institution may dictate a particular set of expectations.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.7 Quality of the process.

11.7(1) A mediator shall conduct a mediation in accordance with these standards and in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency, and mutual respect among all participants.

a. A mediator should agree to mediate only when the mediator is prepared to commit the attention essential to an effective mediation.

b. A mediator should only accept cases when the mediator can satisfy the reasonable expectations of the parties concerning the timing of a mediation.

c. The presence or absence of persons at a mediation depends on the agreement of the parties and the mediator. The parties and mediator may agree that others may be excluded from particular sessions or from all sessions.

d. A mediator should promote honesty and candor between and among all participants, and a mediator shall not knowingly misrepresent any material fact or circumstance in the course of a mediation.

e. The role of a mediator differs substantially from other professional roles. Mixing the role of a mediator and the role of another profession is problematic and thus, a mediator should distinguish between the roles. A mediator may provide information that the mediator is qualified by training or experience to provide only if the mediator can do so consistent with these standards.

f. A mediator shall not conduct a dispute resolution procedure other than mediation but label it mediation in an effort to gain the protection of rules, statutes, or other governing authorities pertaining to mediation.

g. A mediator may recommend, when appropriate, that parties consider resolving their dispute through arbitration, counseling, neutral evaluation, or other processes.

h. A mediator shall not undertake an additional dispute resolution role in the same matter without the consent of the parties. Before providing such service, a mediator shall inform the parties of the implications of the change in process and obtain their consent to the change. A mediator who undertakes such role assumes different duties and responsibilities that may be governed by other standards.

i. If a mediation is being used to further criminal conduct, a mediator should take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation.

j. If a party appears to have difficulty comprehending the process, issues, or settlement options, or difficulty participating in a mediation, the mediator should explore the circumstances and potential accommodations, modifications, or adjustments that would make possible the party's capacity to comprehend, participate, and exercise self-determination.

11.7(2) If a mediator is made aware of domestic abuse or violence among the parties, the mediator shall take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation.

11.7(3) If a mediator believes that participant conduct, including that of the mediator, jeopardizes conducting a mediation consistent with these standards, a mediator shall take appropriate steps including, if necessary, postponing, withdrawing from, or terminating the mediation.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.8 Advertising and solicitation.

11.8(1) A mediator shall be truthful and not misleading when advertising, soliciting, or otherwise communicating the mediator's qualifications, experience, services, and fees.

a. A mediator should not include any promises as to outcome in communications, including business cards, stationery, or computer-based communications.

b. A mediator should only claim to meet the mediator qualifications of a governmental entity or private organization if that entity or organization has a recognized procedure for qualifying mediators and it grants such status to the mediator.

11.8(2) A mediator shall not solicit in a manner that gives an appearance of partiality for or against a party or otherwise undermines the integrity of the process.

11.8(3) A mediator shall not communicate to others, in promotional materials or through other forms of communication, the names of persons served without their permission.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.9 Fees and other charges.

11.9(1) A mediator shall provide each party or each party's representative true and complete information about mediation fees, expenses, and any other actual or potential charges that may be incurred in connection with a mediation.

a. If a mediator charges fees, the mediator should develop them in light of all relevant factors, including the type and complexity of the matter, the qualifications of the mediator, the time required, and the rates customary for such mediation services.

b. A mediator's fee arrangement should be in writing unless the parties request otherwise.

11.9(2) A mediator shall not charge fees in a manner that impairs a mediator's impartiality.

a. A mediator should not enter into a fee agreement that is contingent upon the result of the mediation or amount of the settlement.

b. While a mediator may accept unequal fee payments from the parties, a mediator should not allow such a fee arrangement to impact adversely the mediator's ability to conduct a mediation in an impartial manner.

[Court Order November 10, 2011, effective January 1, 2012]

Rule 11.10 Advancement of mediation practice.

11.10(1) A mediator should act in a manner that advances the practice of mediation. A mediator promotes this standard by engaging in some or all of the following:

a. Fostering diversity within the field of mediation.

b. Striving to make mediation accessible to those who elect to use it, including providing services at a reduced rate or on a pro bono basis as appropriate.

c. Participating in research when given the opportunity, including obtaining participant feedback when appropriate.

d. Participating in outreach and education efforts to assist the public in developing an improved understanding of, and appreciation for, mediation.

e. Assisting newer mediators through training, mentoring, and networking.

11.10(2) A mediator should demonstrate respect for differing points of view within the field, seek to learn from other mediators, and work with other mediators to improve the profession and better serve people in conflict.

[Court Order November 10, 2011, effective January 1, 2012]

CHAPTER 12

RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

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Form 5:	Order Appointing Attorney Pursuant to Iowa Code Section 229.8
Form 6:	Application for Appointment of Counsel and Financial Statement
Form 7:	Appointment of Physician Pursuant to Iowa Code Section 229.8
Form 8:	Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2)
Form 9:	Order for Continuance Pursuant to Iowa Code Section 229.10(4)

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CHAPTER 12

RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

[Forms included at rule 12.36]

See Iowa Code section 229.40

Rule 12.1 Application — forms obtained from clerk. A form for application seeking the involuntary hospitalization or treatment of any person on grounds of serious mental impairment may be obtained from the clerk of court in a county in which the person whose hospitalization is sought resides or is presently located. Such application may be filled out and presented to the clerk by any person who has an interest in the treatment of another for serious mental impairment and who has sufficient contact with or knowledge about that person to provide the information required on the face of the application and by Iowa Code section 229.6. The clerk or clerk's designee shall provide the forms required by Iowa Code section 229.6 to the person who desires to file the application for involuntary commitment. The clerk shall see that all the necessary information required by Iowa Code section 229.6 accompanies the application.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

See rule 12.36, Forms 1, 2

Rule 12.2 Termination of proceedings — insufficient grounds. If the judge or referee determines that insufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the judge or referee shall order the proceedings terminated, so notify the applicant, and all papers and records pertaining thereto shall be confidential and subject to the provisions of Iowa Code section 229.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.3 Notice to respondent — requirements.

12.3(1) If the judge or referee determines that sufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the sheriff or sheriff's deputy shall immediately serve notice, personally and not by substitution, on the respondent. Pursuant to Iowa Code section 229.9, notice shall also be served on respondent's attorney as soon as the attorney is identified or appointed by the judge or referee.

12.3(2) If the respondent is being taken into immediate custody pursuant to Iowa Code section 229.11, the notice shall include a copy of the order required by section 229.11 and rule 12.14.

See rule 12.36, Form 4

12.3(3) The notice of procedures required under Iowa Code section 229.7 shall inform the respondent of the following:

- a. The respondent's immediate right to counsel, at county expense if necessary.
- b. The right to request an examination by a physician of the respondent's choosing, at county expense if necessary.
- c. The right to be present at the hearing.
- d. The right to a hearing within five days if the respondent is taken into immediate custody pursuant to Iowa Code section 229.11.
- e. The right not to be forced to hearing sooner than forty-eight hours after notice, unless respondent waives such minimum prior notice requirement.
- f. The respondent's duty to remain in the jurisdiction and the consequences of an attempt to leave.
- g. The respondent's duty to submit to examination by a physician appointed by the court.

[Supreme Court Report 1979; amendment 1982; November 9, 2001, effective February 15, 2002]

See 12.36, Form 3

Rule 12.4 Notice requirement — waiver. The respondent may waive the minimum prior notice requirement only in writing and only if the judge or referee determines that the respondent's best interests will not be harmed by such waiver.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.5 Hearings — continuance. At the request of the respondent or the respondent's attorney, the hearing provided in Iowa Code section 229.12 may be continued beyond the statutory limit in order that the respondent's attorney has adequate time to prepare for the case, and in such instances

custody pursuant to Iowa Code section 229.11 may be extended by court order until the hearing is held. The continuance shall be no longer than five days beyond the statutory limit, unless respondent gives written consent to the longer continuance.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.6 Attorney conference with respondent — location — transportation. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under Iowa Code section 229.11, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in Iowa Code section 229.12. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.7 Service, other than personal. If personal service as defined in rule 12.3 cannot be made, any respondent may be served as provided by court order, consistent with due process of law.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.8 Return of service. Returns of service of notice shall be made as provided in Iowa R. Civ. P. 1.308.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.9 Amendment of proof of service. Amendment of process or proof of service shall be allowed in the manner provided in Iowa R. Civ. P. 1.309.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.10 Attorney evidence and argument — predetermination. If practicable the court should allow the respondent's attorney to present evidence and argument prior to the judge's determination under Iowa Code section 229.11.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.11 Attorney evidence and argument — after confinement. If the respondent's attorney is afforded no opportunity to present evidence and argument prior to the determination under Iowa Code section 229.11, the attorney shall be entitled to do so after the determination during the course of respondent's confinement pursuant to an order issued under that section.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.12 Examination report to attorney. The clerk shall furnish the respondent's attorney with a copy of the examination report filed pursuant to Iowa Code section 229.10(2), as soon as possible after receipt. In ruling on any request for an extension of time under Iowa Code section 229.10(4), the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare responses from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined respondent and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.13 Physician's report. The court-designated physician shall submit a written report of the examination as required by Iowa Code section 229.10(2) on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report:

- (1) Respondent's name;
- (2) Address;
- (3) Date of birth;
- (4) Place of birth;
- (5) Sex;
- (6) Occupation;
- (7) Marital status;

- (8) Number of children, and names;
 - (9) Nearest relative's name, relationship, and address; and
 - (10) The physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to the physician, which led to the diagnosis.
- [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.14 Probable cause. The judge's or referee's immediate custody order under Iowa Code section 229.11 shall include a finding of probable cause to believe that the respondent is seriously mentally impaired and is likely to inflict self-injury or injure others if allowed to remain at liberty.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.15 Hearing — county location. The hearing provided in Iowa Code section 229.12 shall be held in the county where the application was filed unless the judge or referee finds that the best interests of the respondent would be served by transferring the proceedings to a different location.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.16 Hearing — location at hospital or treatment facility. The hearing required by Iowa Code section 229.12 may be held at a hospital or other treatment facility, provided a proper room is available and provided such a location would not be detrimental to the best interests of the respondent.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.17 Respondent's rights explained before hearing. The respondent's rights as set out in rule 12.3(3) and the possible consequences of the procedures shall be explained to the respondent by the respondent's attorney to the extent possible. Prior to the commencement of the hearing under Iowa Code section 229.12, the judge or referee shall ascertain whether the respondent has been so informed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.18 Subpoenas. Subpoena power shall be available to all parties participating in the proceedings, and subpoenas or other investigative demands may be enforced by the judge or referee.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.19 Presence at hearing — exceptions.

12.19(1) The person(s) filing the application and any physician or mental health professionals who have examined respondent and have submitted a written examination of the respondent in connection with the hospitalization proceedings must be present at the hearing conducted under Iowa Code section 229.12 unless their presence is waived by the respondent's attorney, the judge or referee finds their presence is not necessary, or their testimony can be taken through telephonic means and the respondent's attorney does not object.

12.19(2) The respondent must be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing to respondent's absence, such stipulation to state that the attorney has conversed with the respondent, that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by respondent's absence.

[Supreme Court Report 1979; amendment 1980; October 11, 1991, effective January 2, 1992; November 9, 2001, effective February 15, 2002]

Rule 12.20 Hearing — electronic recording. An electronic recording or other verbatim record of the hearing provided in Iowa Code section 229.12 shall be made and retained for three years or until the respondent has been discharged from involuntary custody for 90 days, whichever is longer.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.21 Transfer from county of confinement. If the respondent is in custody in another county prior to the hearing provided in Iowa Code section 229.12, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are

unreasonable and if the denial would not harm respondent's interests in representation by counsel. This rule is not intended to authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.22 Evaluation and treatment. If the respondent is found by the court to be seriously mentally impaired following a hearing under Iowa Code section 229.12, evaluation and treatment shall proceed as set out in Iowa Code section 229.13.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.23 Evaluation — time extension. If, pursuant to Iowa Code section 229.13, the chief medical officer requests an extension of time for evaluation beyond 15 days, the chief medical officer shall file application in the form prescribed by this chapter with the clerk of court in the county in which the hearing was held. The application shall contain a statement by the chief medical officer or the officer's designee identifying with reasonable particularity the facts and reasons in support of the request for extension. The clerk shall immediately notify the respondent's attorney of the request and shall furnish a copy of the application to the attorney. The clerk shall also immediately furnish a copy of the application to the respondent's advocate, if one has been appointed.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

See rule 12.36, Form 17

Rule 12.24 Evaluation report. The findings of the chief medical officer pursuant to Iowa Code section 229.14 must state with reasonable particularity on the form prescribed by this chapter the facts and basis for the diagnostic conclusions concerning the respondent's serious mental impairment and recommended treatment, including but not limited to: The basis for the chief medical officer's conclusion as to respondent's mental illness, judgmental capacity concerning need for treatment, treatability, and dangerousness; and the basis for the chief medical officer's conclusions concerning recommended treatment including the basis for the judgment that the chief medical officer's treatment recommendation is the least restrictive alternative treatment pursuant to options (a), (b), (c), or (d) of Iowa Code section 229.14(1).

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

See rule 12.36, Form 18

Rule 12.25 Reports issued by clerk. The clerk shall promptly furnish copies of all reports issued under Iowa Code section 229.15 to the patient's attorney or advocate or to both if they both are serving in their respective capacities at the same time, and such reports shall comply substantially with the requirements of rule 12.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.26 Clerk's filing system. The clerk shall institute an orderly system for filing periodic reports required under Iowa Code section 229.15 and shall in timely fashion ascertain when a report is overdue. In the event a report is not filed, the clerk shall contact the chief medical officer of the treatment facility and obtain a report.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.27 Emergency detention — magistrate's approval. If the magistrate does not immediately proceed to the facility where a person is detained pursuant to Iowa Code section 229.22, the magistrate shall verbally communicate approval or disapproval of the detention and such communication shall be duly noted by the chief medical officer of the facility on the form prescribed by this chapter.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

See rule 12.36, Form 27

Rule 12.28 Emergency detention — medical officer absent from facility. If the facility to which the respondent is delivered pursuant to Iowa Code section 229.22 lacks a chief medical officer, the person then in charge of the facility shall, if treatment appears necessary to protect the respondent,

immediately notify a physician. The person in charge of the facility shall then immediately notify the magistrate.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

See rule 12.36, Forms 27, 28

Rule 12.29 Attorney appointed. As soon as practicable after the respondent's delivery to a facility under Iowa Code section 229.22, the magistrate shall identify or appoint an attorney for the respondent and shall immediately notify such attorney of respondent's emergency detention. If counsel can be identified at the time of respondent's arrival at a facility, or if legal services are available through a legal aid or public defender office, the magistrate must immediately notify such counsel and such counsel shall be afforded an opportunity to see the respondent and to make such preparation as is appropriate before or after the magistrate's order is issued.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.30 Chemotherapy procedure. When chemotherapy has been instituted prior to a hearing under Iowa Code section 229.12, the chief medical officer of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing listing all types of chemotherapy given for purposes of affecting the respondent's behavior or mental state during any period of custody authorized by Iowa Code section 229.4(3), 229.11 or 229.22. For each type of chemotherapy the report shall indicate either the chemotherapy was given with the consent of the patient or the patient's next of kin or guardian or the way the chemotherapy was "necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue." The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly and provide a copy of the report to respondent's attorney if so requested.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.31 Outpatient treatment plan. If, pursuant to Iowa Code section 229.14(3), the chief medical officer determines that the patient is suited for outpatient care, the chief medical officer (or a designee) shall determine the specific care and treatment guidelines upon which the outpatient status will be based and shall discuss these guidelines with the patient. These written guidelines shall be known as the Outpatient Treatment Plan (O.T.P.). If the chief medical officer (or a designee) alleges that the O.T.P. has been breached, the judge or a judicial hospitalization referee shall hold a hearing as provided by Iowa Code sections 229.14(3) and 229.12 to determine whether the patient should be rehospitalized, whether the O.T.P. should be revised, or whether some other remedy should be ordered. The patient shall be given reasonable notice of such a hearing.

[Supreme Court Report 1982; amendment 1983; November 9, 2001, effective February 15, 2002]

Rules 12.32 to 12.35 Reserved.

Rule 12.36 Forms for involuntary hospitalization of mentally ill persons.**Rule 12.36 — Form 1: *Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.***

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

DATE: _____

TIME: _____

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**APPLICATION ALLEGING SERIOUS
MENTAL IMPAIRMENT PURSUANT TO
IOWA CODE SECTION 229.6**

Respondent.

I _____, of _____ (address), allege Respondent is suffering from serious mental impairment. In support thereof I state as follows:

Based on the above facts, I believe Respondent is a danger to himself or herself or others or may be causing serious emotional injury to persons who are unable to remove themselves from Respondent's presence.

Do you request the respondent be taken into immediate custody? Yes _____ No _____

Attached hereto is a written statement of a licensed physician in support of this application.

Attached hereto is an affidavit corroborating these allegations.

(Strike the one not applicable.)

Applicant

State of Iowa

County } ss

I, the undersigned, do solemnly swear or affirm that the matters alleged in the above application, to which my name is affixed, are true as stated, as I verily believe.

Applicant

Subscribed and sworn to (or affirmed) before the undersigned this _____ day of _____, 20 ____.

Notary Public in and for the State of Iowa

Rule 12.36 — Form 2: *Affidavit in Support of Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**AFFIDAVIT IN SUPPORT OF APPLICATION
ALLEGING SERIOUS MENTAL IMPAIRMENT
PURSUANT TO IOWA CODE SECTION 229.6**

I _____, of _____ (address), being first duly sworn on oath, depose and state that I am acquainted with Respondent who resides at _____, _____, _____ County, Iowa and that I believe the above named person is seriously mentally impaired.

In support thereof, I state as follows:

Subscribed and sworn to before undersigned this _____ day of _____,
20 ____.

Notary Public in and for the State of Iowa

Clerk of Iowa District Court

Rule 12.36 — Form 3: Notice to Respondent Pursuant to Iowa Code Section 229.7.

In the Iowa District Court for _____ County, Iowa

IN THE MATTER OF: _____ ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	No. _____ Notice to Respondent Pursuant to Iowa Code Section 229.7
--	--

You are hereby notified that there is now on file in the office of the Clerk of District Court of _____ County, Iowa, a verified application alleging that: _____ is seriously mentally impaired and a fit subject for custody and treatment, as shown by the application and (Report of the Physician) (Supporting Affidavits) on file in this proceeding, copies of which are attached; and that said matter will come on for hearing on said application before said Court at the _____ County, Iowa, on the ____ day of _____, 20 __, at _____ o'clock __.m.; and that such Order will be on said Hearing as may appear to the Court to be for the best interest of said person.

You are further notified you have the following rights in connection with this proceeding:

1. THE RIGHT TO THE ASSISTANCE OF AN ATTORNEY. If you cannot afford an attorney, one will be appointed for you at county expense.
2. THE RIGHT TO AN EXAMINATION BY A PHYSICIAN OF YOUR OWN CHOOSING. If you cannot afford an examination by your physician, you may have such an examination at county expense.
3. THE RIGHT TO A HEARING WITHIN 5 DAYS, and no sooner than 48 hours (except Saturdays, Sundays, and holidays) if you are presently in custody.
4. THE RIGHT TO A HEARING NO SOONER THAN 48 HOURS AFTER SERVICE OF THIS NOTICE (except Saturdays, Sundays, and holidays) if you are not presently in custody.
5. THE RIGHT TO BE PRESENT AT THE HEARING.

You are further advised that:

1. You must not leave the county while awaiting the hearing. If you leave the county, you may be taken into custody.
2. You must submit to an examination by a physician appointed by the court. If you do not, the court may order you to do so.
3. If the court determines that you are seriously mentally impaired, federal law will prohibit you from shipping, possessing, receiving, or transporting any firearms or ammunition. See 18 U.S.C. § 922 (g)(4).

 Judge of the _____ Judicial
 District of Iowa, or Judicial Hospitalization Referee

If you need help in court due to a disability, immediately call your district ADA coordinator at 1-_____. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

Return of Service

State of Iowa

ss:

_____ County

This notice was received on the _____ day of _____, 20____, and I certify that on the ____ day of _____, 20____, at _____ o'clock ____m., I served this notice on _____ by delivering a copy of it to _____ in the city of _____, or the Township of _____, in _____ County, State of Iowa.

 Sheriff, _____ County

By _____
 Deputy Sheriff

Rule 12.36 — Form 4: *Order for Immediate Custody Pursuant to Iowa Code Section 229.11.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

DATE: _____

TIME: _____

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**ORDER FOR IMMEDIATE
CUSTODY PURSUANT TO
IOWA CODE SECTION 229.11**

A request has been presented that respondent should be immediately detained due to serious mental impairment. After review of the application and supporting documentation, I find there is probable cause to believe respondent is seriously mentally impaired and is likely to injure himself or herself or others if allowed to remain at liberty.

This finding is based on the following facts:

*1. I hereby order that respondent shall be detained in the custody of _____ until the hearing date pursuant to Iowa Code section 229.11(1).

*2. Because I find the less restrictive alternative of custody pursuant to Iowa Code section 229.11(1) will not be sufficient to protect respondent from himself or herself or others, I hereby order that respondent shall be detained at _____ until the hearing date pursuant to Iowa Code section 229.11(2).

*3. Because I find no less restrictive alternative is sufficient, I hereby order that respondent shall be detained at _____, a facility licensed to care for persons with mental illness or substance abuse.

*(Strike two of these three numbered provisions.)

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Rule 12.36 — Form 5: *Order Appointing Attorney Pursuant to Iowa Code Section 229.8.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**ORDER APPOINTING
ATTORNEY PURSUANT TO
IOWA CODE SECTION 229.8**

AND NOW, TO-WIT, on this _____ day of _____, 20____, on Application previously filed with the (Court) (Judicial Hospitalization Referee) acting for and in behalf of _____ County, Iowa, alleging that the above named person is seriously mentally impaired, and upon which hearing was fixed by the (Court) (Judicial Hospitalization Referee), for the _____ day of _____, 20____ being presented to this (Court) (Judicial Hospitalization Referee), and upon showing made that the said person is unrepresented at this time and that no arrangements have been made either by the said person or any member of the family to procure such representation, it is now ORDERED by the (Court) (Judicial Hospitalization Referee) that _____, a regular practicing attorney for the _____ County, Iowa, Bar be and is hereby appointed to represent the said person at this hearing and at each adjourned meeting of or hearing before said (Court) (Judicial Hospitalization Referee) at which the subject matter of this Cause is under consideration by said (Court) (Judicial Hospitalization Referee).

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Form 5 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 6: *Application for Appointment of Counsel and Financial Statement.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF: _____, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	No. _____ APPLICATION FOR APPOINTMENT OF COUNSEL AND FINANCIAL STATEMENT
---	--

I, the undersigned, being first sworn, on oath depose and say that I am (respondent) (respondent's spouse) (next friend) or (guardian) herein, and I request the Court to appoint counsel to represent respondent at public expense. The following statement relating to respondent's financial affairs is submitted in support of this application.

Name _____

Address _____

Marital status _____

Number and ages of dependents _____

Business or employment _____

Average weekly earnings _____

Total income past 12 months _____

Is respondent now in custody: Yes _____ No _____. If NO, is respondent working and at what salary: _____

Is spouse working: Yes _____ No _____. If so, name of employer and average weekly wage _____

Motor vehicles: List make, year, amount owing thereon, if any, and how title is registered _____

List balance of bank accounts of respondent and spouse _____

List all sources of income other than salary from employment _____

Describe real estate owned, if any, and value thereof _____

Total amount of debts: _____

List on the reverse side hereof all other assets owned by respondent, other than clothing and personal effects.

The foregoing statements are true to the best of my knowledge, are made under penalty of perjury, and are made in support of respondent's application for appointment of legal counsel because respondent is financially unable to employ counsel.

Subscribed and sworn to before me this _____ day of _____, 20 ____.

Notary Public in and for the State of Iowa

Rule 12.36 — Form 7: *Appointment of Physician Pursuant to Iowa Code Section 229.8.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**APPOINTMENT OF
PHYSICIAN PURSUANT TO
IOWA CODE SECTION 229.8**

Respondent.

STATE OF IOWA, _____ COUNTY:

TO _____, a regular practicing physician:

You are advised that an application has been filed in the Iowa District Court for _____ County alleging that _____ is seriously mentally impaired, needing medical care and treatment within the meaning of the applicable sections of Iowa Code chapter 229. You are hereby APPOINTED by this court to conduct a personal examination of the above-named person for the purpose of determining whether the person is seriously mentally impaired as defined in Iowa Code section 229.1(15). After conducting such an examination, you shall provide this court with a written report of your medical findings and conclusions.

NOTE TO EXAMINING PHYSICIAN:

If the respondent has been detained pursuant to Iowa Code section 229.11(2), your examination must be conducted within 24 hours of this date. If the respondent has been detained pursuant to Iowa Code section 229.11(1) or (3), your examination must be conducted within 48 hours of this date. Furthermore, your written evaluation report is to be filed with the Clerk of this Court prior to the hospitalization hearing scheduled pursuant to Iowa Code section 229.8(3)(a). *See* Iowa Code §229.10(2).

Dated this _____ day of _____, 20 ____.

Judicial Hospitalization Referee_____
Judge of the _____ Judicial District

Form 7 [Supreme Court Report 1979; amendment 1981; Court Order April 3, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; August 6, 2007, effective October 15, 2007]

Rule 12.36 — Form 8: Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**PHYSICIAN'S REPORT OF
EXAMINATION PURSUANT TO
IOWA CODE SECTION 229.10(2)**

Respondent.

DATE AND TIME OF EXAMINATION _____

1. Respondent's Name _____

2. Address _____
(Street) (City or Town) (County) (State)3. Date of Birth _____
(Day) (Month) (Year)

4. Place of Birth _____

5. Sex _____

6. Occupation _____

7. Marital Status _____

8. Number of Children, and Names _____

9. Nearest Relative's Name _____ Relationship _____

Address _____
(Street) (City or Town) (County) (State)

10. Is this an examination under Iowa Code section 229.11?

11. Did a qualified mental health professional assist with this exam? If so, who?

(Please provide address.) If the professional's report is written, please attach.

12. In your judgement, is respondent mentally ill? _____

If so, state diagnosis and supporting facts:

13. In your judgment is respondent capable of making responsible decisions with respect to hospitalization or treatment?

If not, state supporting facts:

14. In your judgment, is the respondent treatable? _____

If so, state diagnosis and supporting facts:

15. In your judgment, would the respondent benefit from treatment?

16. In your judgment, is the respondent likely to physically injure himself or herself or others?

(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2) (*cont'd*)

17. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?
18. Can the respondent be evaluated on an out-patient basis?
Basis for answer:
19. Can the respondent, without danger to self or others, be released to the custody of a relative or friend during the course of evaluation?
20. Is full-time hospitalization necessary for evaluation?
21. Does the respondent have a prior history of other physical or mental illness? If yes, please specify.
22. Was the patient medicated at the time of examination? If so, please supply the following information:

MEDICINE _____

DOSAGE _____

TIME _____

Signed _____
Physician

Address _____

Rule 12.36 — Form 9: *Order for Continuance Pursuant to Iowa Code Section 229.10(4).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**ORDER FOR CONTINUANCE
PURSUANT TO IOWA CODE
SECTION 229.10(4)**

Respondent.

This matter came on for hearing upon the oral application of Attorney, _____,
and for good cause shown, it is ordered that hearing in the above matter shall be continued, and shall be rescheduled upon
application of _____, Attorney.

Done this _____ day of _____, 20 ____.

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Form 9 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 10: *Stipulation Pursuant to Iowa Code Section 229.12 and Iowa Ct. R. 12.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,
Respondent.

**STIPULATION PURSUANT TO
IOWA CODE SECTION 229.12 AND
IOWA CT. R. 12.19**

It is hereby stipulated that Respondent need not be present at the hearing to determine the respondent's serious mental impairment.

(1) I have conversed with respondent about the hearing and the respondent's absence on _____
(date).

(2) In my judgment, respondent can make no meaningful contribution to the hearing. I base this judgment on the following grounds: _____

SIGNED

Respondent's Attorney

Rule 12.36 — Form 11: *Notice of Medication Pursuant to Iowa Code Section 229.12(1).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE OF MEDICATION
PURSUANT TO
IOWA CODE SECTION 229.12(1)**

Respondent.

I, _____, physician, inform (Judge _____ P.M.
or _____ Referee) that the respondent was medicated at A.M.
on _____, _____ 20 _____.

The medication will cause the following probable effects:

The medication (may) (probably will not) affect respondent's ability to understand the nature of these proceedings.

SIGNED

Physician

Form 11 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 12: *Discharge and Termination of Proceeding Pursuant to Iowa Code Section 229.12.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**DISCHARGE AND TERMINATION
OF PROCEEDING PURSUANT TO
IOWA CODE SECTION 229.12**

Respondent.

A hearing was held on the _____ day of _____, 20____, pertaining to the alleged mental impairment of Respondent and all relevant and material evidence was presented.

Therefore it is found that the contention of the Applicant alleging the respondent to be seriously mentally impaired has not been sustained by clear and convincing evidence.

It is therefore ordered that the Application for Involuntary Hospitalization of Respondent is hereby denied.

It is further ordered that the respondent be released from custody and that all proceedings in this matter are hereby terminated.

Done this _____ day of _____, 20____.

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Rule 12.36 — Form 13: Findings of Fact and Order Pursuant to Iowa Code Section 229.13.

In the Iowa District Court for _____ County, Iowa

IN THE MATTER OF:

No. _____

ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**Findings of Fact and Order
Pursuant to Iowa Code Section
229.13**

A hearing on the above entitled matter was held on the ____ day of _____, 20____. The court finds that the contention that the respondent is seriously mentally impaired has been sustained by clear and convincing evidence to wit:

1. Judgmental Capacity:

2. Treatability:

3. Dangerousness:

4. Mental Illness:

The court orders the following:

1. Respondent is committed for a complete psychiatric evaluation and appropriate treatment at _____.

2. Respondent is committed on an
_____ outpatient basis.
_____ inpatient basis.

If Respondent undergoes outpatient treatment, Respondent must cooperate with the treatment provider and comply with the course of treatment.

3. Pursuant to federal law, Respondent shall not ship, possess, receive, transport, or cause the transport of any firearms or ammunition. See 18 U.S.C. § 922 (g)(4).

The court further orders that the clerk shall notify the Iowa Department of Public Safety of the firearms and ammunition prohibitions set forth above.

Respondent is advised of the right to request a placement hearing in accordance with the requirements of Iowa Code Section 229.14A. A request for a placement hearing must be in writing and filed with the clerk of court within seven days from the date of this order.

Dated this ____ day of _____, 20____.

Judge of the _____ Judicial
District of Iowa, or Judicial Hospitalization Referee

Form 13 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; November 10, 2011, effective January 9, 2012]

Rule 12.36 — Form 14: *Notice of Termination of Proceedings Pursuant to Iowa Code Section 229.21.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**NOTICE OF TERMINATION
OF PROCEEDINGS PURSUANT
TO IOWA CODE SECTION 229.21**

TO THE CHIEF JUDGE OF THE _____ JUDICIAL DISTRICT OR DESIGNEE:

Please be advised that I have terminated the proceedings in regard to the above Respondent for the reasons stated in the order entered, a copy of which is attached.

Judicial Hospitalization Referee_____
County, Iowa

Form 14 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 15: *Notice of Order Pursuant to Iowa Code Section 229.21.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE OF ORDER
PURSUANT TO IOWA CODE
SECTION 229.21**

Respondent.

TO THE CHIEF JUDGE OF THE _____ JUDICIAL DISTRICT OR DESIGNEE:

Please be advised that I have issued an order regarding the above Respondent for the reasons stated in the order and findings of fact, copies of which are attached.

DATE OF HOSPITALIZATION _____

Judicial Hospitalization Referee

_____, County, Iowa

Form 15 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 16: *Application for Order for Extension of Time for Psychiatric Evaluation Pursuant to Iowa Code Section 229.13.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

DATE _____

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**APPLICATION FOR ORDER
FOR EXTENSION OF TIME
FOR PSYCHIATRIC
EVALUATION PURSUANT TO
IOWA CODE SECTION 229.13**I, _____, Chief Medical Officer of the _____
(Facility)

request an extension of time not to exceed seven days in order to complete the psychiatric evaluation of Respondent.

I request this extension because:

I feel this extension is in Respondent's best interests.

Chief Medical Officer
Facility

Form 16 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 17: *Order Re: Extension of Time Pursuant to Iowa Code Section 229.13.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**ORDER RE: EXTENSION OF TIME
PURSUANT TO
IOWA CODE SECTION 229.13**

An Application for Extension of Time for Psychiatric Evaluation in the above entitled matter having been presented to the Court/Judicial Hospitalization Referee this _____ day of _____, 20____, and upon a showing of good cause;

It is hereby ordered that the Extension of Time be granted for a period not to exceed seven days.

Done this _____ day of _____, 20____.

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Form 17 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 18: Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14.

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**CHIEF MEDICAL OFFICER'S
REPORT OF PSYCHIATRIC
EVALUATION PURSUANT TO
IOWA CODE SECTION 229.14**

DATE AND TIME OF EVALUATION _____

1. Treatment that respondent has received during the present hearing and evaluation period.
2. Chemotherapy respondent has received: Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state, along with the effect on the respondent's behavior or mental state.
3. Have there been previous psychiatric illnesses?
If so, give approximate dates:

Was hospitalization or treatment necessary?
If so, give place, date, length of stay, condition on discharge:
4. Has the respondent any other disease or injury at present?
If so, specify:
5. Respondent's past medical history.
6. Is respondent suffering from any transmissible disease or has respondent been exposed to such a disease within the past three weeks?
If so, specify:
7. Is there a family history of mental illness, or mental deficiency, or convulsive disorder?
If so, give names, relationship and type of disorder:
8. In your judgment is respondent mentally ill?
If so, state diagnosis and supporting facts:
9. In your judgment is respondent capable of making responsible decisions with respect to hospitalization or treatment?
If not, state supporting facts:
10. In your judgment, is the respondent treatable? _____
If so, state diagnosis and supporting facts:
11. In your judgment, is the respondent likely to injure himself or herself or others?
(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14 (*cont'd*)

12. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?
13. **PROPOSED TREATMENT.**
Please state one of the four alternative findings contained in Iowa Code section 229.14:*
- A. If respondent does not require full-time hospitalization, please state your recommendation for treatment on an out-patient or other appropriate basis:
- B. If respondent is in need of full-time custody and care but is unlikely to benefit from further treatment in a hospital, please recommend an alternative placement:
- C. Other:
14. State facts and reasons supporting your judgment that the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____

Address _____

- *1. That the respondent does not, as of the date of the report, require further treatment for serious mental impairment. (Iowa Code section 229.14(1))
2. That the respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment. (Iowa Code section 229.14(2))
3. That the respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (Iowa Code section 229.14(3))
4. That the respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (Iowa Code section 229.14(4))

Form 18 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 19: Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

Respondent.

**CHIEF MEDICAL OFFICER'S
PERIODIC REPORT
PURSUANT TO IOWA CODE
SECTION 229.15(1)**

1. An order for continued hospitalization of the respondent at this hospital was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent was transferred to _____ on _____, 20 ____, pursuant to Iowa Code section 229.15(4) because in my opinion it is in the best interest of the respondent. (See EXPLANATION below.)
 - ☐ (c) Respondent was placed on leave on _____, 20 ____, pursuant to Iowa Code section 229.15(4) because in my opinion it is in the best interest of the patient. Patient was instructed to return on _____, 20 _____. (See EXPLANATION below.)
 - ☐ (d) Respondent continues to be hospitalized in this hospital.

EXPLANATION:

(If 4 (a) is applicable, skip items 5 through 8.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION under item 7 below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (For treatment recommendations, see RECOMMENDATIONS below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (For recommendations of alternate placement, see RECOMMENDATIONS below.)

RECOMMENDATIONS:

Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1) (*cont'd*)

(If 5 (b) or (c) is applicable, skip items 6 and 7.)

6. I estimate that the further length of time the respondent will be required to remain in the hospital to be (not possible to be determined) (_____ days).

7. I recommend (check one box):

☐ (a) the respondent remain in this hospital. (See EXPLANATION below.)

☐ (b) the respondent be transferred to _____ or another hospital.
(See EXPLANATION below.)

☐ (c) the respondent remain in the hospital to which the respondent has already been transferred.
(See EXPLANATION under item 4 above.)

☐ (d) the patient remain on leave until the date specified for return in item 4 (c) above. (See EXPLANATION under item 4 above.)

☐ (e) the patient be placed on leave until _____, 20 _____. (See EXPLANATION below.)

EXPLANATION:

8. If continued hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____
Hospital _____

Rule 12.36 — Form 20: *Periodic Report Pursuant to Iowa Code Section 229.15(2).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

Respondent.

**PERIODIC REPORT
PURSUANT TO IOWA CODE
SECTION 229.15(2)**

1. An order for treatment of the respondent on an outpatient or other appropriate basis at this facility was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given to or prescribed for the respondent at this facility for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent is failing or refusing to submit to treatment as ordered by the court and, in my opinion, has not shown good cause. (See EXPLANATION below.)
 - ☐ (c) Respondent is in treatment as directed by the order of the court. (See EXPLANATION below.)

EXPLANATION:

(If 4 (a) is applicable, skip items 5 through 7.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but can continue in outpatient treatment. (See EXPLANATION below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from treatment in a hospital. (For recommendation of alternate placement, see EXPLANATION below.)

EXPLANATION:

(If 5 (a) or (c) is applicable, skip item 6.)

6. I estimate that the further length of time the respondent will require outpatient or other appropriate treatment at this facility to be (not possible to be determined) (_____ days).

Periodic Report Pursuant to Iowa Code Section 229.15(2) (*cont'd*)

7. If inpatient hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient.

Signed _____
(Provide name and title of person submitting report)

Facility _____

Form 20 [Supreme Court Report 1980; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

Rule 12.36 — Form 21: Periodic Report Pursuant to Iowa Code Section 229.15(3). (Alternate Placement)

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

Respondent.**PERIODIC REPORT PURSUANT TO
IOWA CODE SECTION 229.15(3)
(ALTERNATE PLACEMENT)**

1. An order for continued placement of the respondent at this facility was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this facility to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent continues to be in the custody of this facility.

EXPLANATION:

(If 4 (a) is applicable, skip items 5 and 6.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See RECOMMENDATIONS below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (See RECOMMENDATIONS below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (See RECOMMENDATIONS below, which recommend continued placement at this facility or alternate placement.)

RECOMMENDATIONS:

(If 5 (b) is applicable, skip item 6.)

6. If placement in a hospital is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient. If placement in a facility other than a hospital is recommended, state the reasons that in your judgment the respondent is unlikely to benefit from treatment in a hospital.

Signed _____

Facility _____

Rule 12.36 — Form 22: *Notice of Chief Medical Officer's Report or Application Pursuant to Iowa Code Section 229.13.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**NOTICE OF CHIEF MEDICAL OFFICER'S
REPORT OR APPLICATION PURSUANT
TO IOWA CODE SECTION 229.13**

TO: _____ Attorney for respondent.

You are hereby notified that pursuant to Iowa Code section 229.13, (a report) (a request for extension of time) (strike one), has been received from the chief medical officer of _____, a copy of which is attached hereto.

You are further notified that, if the chief medical officer has requested an extension of time for making a recommendation regarding disposition of this matter such request may be contested pursuant to Iowa Code section 229.13.

Done this _____ day of _____, 20 ____.

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Form 22 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 23: *Order After Evaluation Pursuant to Iowa Code Section 229.14.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**ORDER AFTER EVALUATION
PURSUANT TO IOWA CODE
SECTION 229.14**The Court received the report of the Chief Medical Officer and it was the recommendation of _____ that the respondent _____

_____It is therefore ordered that the respondent _____

Copies of this order shall be sent to respondent's attorney or advocate if one has been appointed.

Done this _____ day of _____, 20 ____.

Judge of the _____ Judicial
District of Iowa or Judicial Hospitalization Referee

Form 23 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 24: *Notice of Appeal From the Findings of the Judicial Hospitalization Referee.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
 ALLEGED TO BE SERIOUSLY
 MENTALLY IMPAIRED,

 Respondent.

**NOTICE OF APPEAL
 FROM THE FINDINGS
 OF THE JUDICIAL
 HOSPITALIZATION REFEREE**

TO: _____, JUDGE OF THE _____ JUDICIAL DISTRICT OF IOWA AND
 _____, CLERK OF THE DISTRICT COURT:

The undersigned hereby appeals the findings of _____ Judicial Hospitalization Referee,
 that Respondent is serious mentally impaired and requests a review of the matter by a Judge of the Iowa District Court In
 and For _____ County, Iowa, all pursuant to Iowa Code section 229.21.

Dated the _____ day of _____, 20 ____.

SIGNED

 (Respondent, Next Friend, Guardian, Attorney)

Rule 12.36 — Form 25: *Attorney's Report and Request for Withdrawal Pursuant to Iowa Code Section 229.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,
Respondent.**ATTORNEY'S REPORT AND REQUEST
FOR WITHDRAWAL PURSUANT TO
IOWA CODE SECTION 229.19**COMES NOW, _____, a regularly practicing attorney of _____
County, Iowa, and reports:

After having been employed or appointed to represent _____, the above named Respondent, I interviewed respondent, attended the hearing on the application, examined the attending physician or the reports thereof, examined any hospital reports available, and examined the witnesses who appeared at the hearing:

It is my opinion that there is no further need of legal services at this time.

I hereby request to be allowed to withdraw as attorney for the above-named Respondent.

Name:

Address:

City:

Phone No.:

ATTORNEY FOR RESPONDENT

On this _____ day of _____, 20____, the Application for withdrawal of _____, as attorney for respondent, was considered by the undersigned and is hereby approved. Said counsel is hereby released from the above matter. The undersigned hereby appoints (or has previously appointed) _____, as advocate for respondent.

Judge of the _____ Judicial

District of Iowa or

Judicial Hospitalization Referee

Rule 12.36 — Form 26: *Claim for Attorney or Physician's Fees Order and Certificate.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**CLAIM FOR ATTORNEY
OR PHYSICIAN'S FEES
ORDER AND CERTIFICATE**

Respondent.

STATE OF IOWA, _____ COUNTY, ss:

The undersigned (attorney) (physician), being first duly sworn (or affirmed), states that he/she was appointed by the (Court) (Judicial Hospitalization Referee) to (defend) (examine) the above-named respondent, alleged to be seriously mentally impaired, pursuant to Iowa Code section 229.8; that services have been completed by this claimant as set forth on the attached itemized statement and that this claimant has not directly, or indirectly, received, or entered into a contract to receive, any compensation for such services from any sources.

WHEREFORE, this claimant prays for an order to be compensated in accordance with the provisions of Iowa Code section 229.8.

Claimant_____
P.O. Address

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20 ____.

Clerk of said District (or)

Notary Public In and For said County

ORDER

The foregoing verified claim has been duly considered, is fixed and approved in the sum of \$ _____ and ordered paid out of the county treasury. The Clerk is directed to certify a copy of above claim and this order to the County Auditor for payment to claimant, as provided by statute.

Dated this _____ day of _____, 20 ____.

Judge of the _____ Judicial

District of Iowa or

Judicial Hospitalization Referee

Claim for Attorney or Physician's Fees Order and Certificate (*cont'd*)

CERTIFICATE

The above is a true copy of claim and order as appears of record in my office and is hereby certified to County Auditor for payment.

Dated this _____ day of _____, 20 ____.

(Deputy) Clerk of Said Court

Form 26 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 27: *Order of Detention Pursuant to Iowa Code Section 229.22(2).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**ORDER OF DETENTION
PURSUANT TO IOWA CODE
SECTION 229.22(2)**

Respondent.

DATE: _____

TIME OF DETENTION: _____

TIME OF NOTIFICATION OF MAGISTRATE: _____

I order immediate detention of Respondent because there is reason to believe Respondent is seriously mentally impaired and likely to injure himself or herself or others if not immediately detained.

The following facts have led me to the above conclusion:

This order is made pursuant to the verbal instructions of _____, magistrate.

Chief Medical Officer**ARRIVAL OF MAGISTRATE**

Time of arrival of magistrate _____

Magistrate

Form 27 [Supreme Court Report 1979; amendment 1980; amendment 1981; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 28: Magistrate's Report Pursuant to Iowa Code Section 229.22(2)(a).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**MAGISTRATE'S REPORT
PURSUANT TO IOWA CODE
SECTION 229.22(2)(a)**

Respondent.

1. Reason for failure to respond immediately to chief medical officer's call:

2. Substance of the information on the basis of which the respondent's continued detention was ordered:

TIME OF CALL: _____

TIME OF RESPONSE: _____

TIME OF APPOINTMENT OR NOTIFICATION OF COUNSEL: _____

Magistrate

Form 28 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 29: *Emergency Hospitalization Order Pursuant to Iowa Code Section 229.22, Subsections (3) and (4).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**EMERGENCY HOSPITALIZATION
ORDER PURSUANT TO IOWA CODE
SECTION 229.22, SUBSECTIONS (3) AND (4)**

Respondent.

TIME OF NOTIFICATION OF MAGISTRATE: _____

TIME OF ACTION BY MAGISTRATE: _____

Information and evidence has been presented to this magistrate that respondent should be immediately detained due to serious mental impairment;

This Magistrate finds that there is probable cause to believe that Respondent is seriously mentally impaired, and because of that impairment is likely to injure himself or herself or others if not immediately detained;

This finding is based on the following circumstances and grounds: _____

It is hereby ordered that _____ shall be detained in custody at
_____ Facility for examination and care for a period not to exceed forty-eight hours,

excluding Saturdays, Sundays and holidays.

It is further ordered that the facility may provide treatment which is necessary to preserve the respondent's life, or to appropriately control behavior by the respondent which is likely to result in physical injury to himself or herself or others if allowed to continue, but may not otherwise provide treatment to the respondent without consent.

Done this _____ day of _____, 20 ____.

Time _____

Magistrate

Rule 12.36 — Form 30: *Quarterly Report of Patient Advocate Pursuant to Iowa Code Section 229.19(6).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
 ALLEGED TO BE SERIOUSLY
 MENTALLY IMPAIRED,
 Respondent.

**QUARTERLY REPORT OF
 PATIENT ADVOCATE
 PURSUANT TO IOWA CODE
 SECTION 229.19(6)**

Date _____.

Date of last previous report (if one) _____.

Date of respondent's commitment _____.

Is respondent still committed _____. If not, date of release _____.

Actions I have taken with respect to the above-named respondent and the amount of time I have spent regarding the
 above-named respondent since (I became the patient's advocate) (the last report was filed):

Action Taken _____Time Spent _____

 Total Time Spent:

Other comments:

 Patient Advocate

Rule 12.36 — Form 31: *Notice to Patient of Name of Advocate Pursuant to Iowa Code Section 229.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE TO PATIENT OF
NAME OF ADVOCATE
PURSUANT TO IOWA CODE
SECTION 229.19**

Respondent.

To: _____

You are hereby notified that _____
is now your patient advocate. This advocate will be communicating with you and representing your interests in any matter relating to your hospitalization and treatment.

Clerk of District Court

Form 31 [Supreme Court Report 1981; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 32: Notice to Respondent Pursuant to Iowa Code Section 229.14(2)(d).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA	
IN THE MATTER OF:	No. _____
_____, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	NOTICE TO RESPONDENT PURSUANT TO IOWA CODE SECTION 229.14(2)(d)

TO: _____

You are hereby notified that there is now on file in the office of the Clerk of the District Court of _____ County, Iowa, an application alleging that you have not satisfactorily responded to your "Outpatient Treatment Plan (O.T.P.," and should therefore be rehospitalized for inpatient care and treatment. A copy of said application is attached. This matter will come on for hearing on the application before this Court at _____ County, Iowa, on the _____ day of _____, 20____, at _____ o'clock ____m.

You are further notified that you have the right to have your personal or previously appointed attorney present in connection with this hearing.

You have a right to be present at the hearing.

At this hearing the Court will decide whether you should be rehospitalized for inpatient care and treatment; whether the O.T.P. should be revised and outpatient care continued; or whether some other result is appropriate.

JUDGE OF THE _____ JUDICIAL
DISTRICT OF IOWA OR
JUDICIAL HOSPITALIZATION REFEREE

Form 32 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009]

Rule 12.36 — Form 33: *Hospitalization Order Pursuant to Iowa Code Section 229.14(2)(d).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**HOSPITALIZATION ORDER
PURSUANT TO IOWA CODE
SECTION 229.14(2)(d)**

Respondent.

On _____ a hearing was held regarding allegations that Respondent has failed to satisfactorily respond to the Outpatient Treatment Plan (O.T.P.) and should therefore be rehospitalized for inpatient care and treatment as provided by Iowa Code sections 229.14(2)(d) and 229.15(2). It is hereby determined that sufficient evidence has been presented to support said allegations, and the Respondent is hereby order recommitted to _____.

This finding is based on the following circumstances and grounds:

Done this _____ day of _____, 20 _____.

JUDGE OF THE _____ JUDICIAL
DISTRICT OF IOWA OR
JUDICIAL HOSPITALIZATION REFEREE

Form 33 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009]

CHAPTER 22

JUDICIAL ADMINISTRATION

Rule 22.1	Supervision of courts
Rule 22.2	Recall and transfer of judges
Rule 22.3	Selection of chief judges
Rule 22.4	Order appointing chief judge
Rule 22.5	Duties and powers of chief judges
Rule 22.6	Court and trial sessions
Rule 22.7	Case assignment
Rule 22.8	Judicial district scheduling
Rule 22.9	Change of venue to another judicial district
Rule 22.10	Judges — monthly report
Rule 22.11	Practice of law by judges
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Rule 22.13	Service by retired judges
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Rule 22.40	Public business hours of offices of clerks of court

CHAPTER 22

JUDICIAL ADMINISTRATION

Rule 22.1 Supervision of courts. The supreme court, by and through the chief justice, shall exercise supervisory and administrative control over all trial courts in the state, and over the judges and other personnel thereof, including but not limited to authority to make and issue any order a chief judge may make under rule 22.5, or to modify, amend or revoke any such order or court schedule.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.2 Recall and transfer of judges. The supreme court by and through the chief justice may at any time order the recall of eligible retired judges for active service, and the transfer of active judges and other court personnel from one judicial district to another to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.3 Selection of chief judges. Not later than December 15 in each odd-numbered year the chief justice, with the approval of the supreme court, shall appoint from the district judges of each district one of their number to serve as chief judge. The judge so appointed shall serve for a two-year term and shall be eligible for reappointment. Vacancies in the office of chief judge shall be filled in the same manner within 30 days after the vacancy occurs. During any period of vacancy the judge of longest service in the district shall be the acting chief judge.
[Report 1969; Court Order October 31, 1997, effective January 24, 1998; October 27, 1999, effective January 3, 2000; November 9, 2001, effective February 15, 2002]

Rule 22.4 Order appointing chief judge. An order appointing a chief judge shall be filed with the clerk of the supreme court who shall mail a copy to the clerk of the district court in each county in the judicial district. The clerk of the supreme court may mail the copies of the order electronically.
[Report 1969; Court Order November 9, 2001, effective February 15, 2002; April 11, 2007]

Rule 22.5 Duties and powers of chief judges. In addition to their ordinary judicial duties, chief judges shall exercise continuing administrative supervision within their respective districts over all district courts, judges, magistrates, officials and employees thereof for the purposes stated in Iowa R. Civ. P. 1.1807. They shall by order fix times and places of holding court and designate the respective presiding judges and magistrates; they shall supervise and direct the performance of all administrative business of their district courts; they may conduct judicial conferences of their district judges, district associate judges, and magistrates to consider, study and plan for improvement of the administration of justice; and may make such administrative orders as necessary. No chief judge shall at any time direct or influence any judge or magistrate in any ruling or decision in any proceeding or matter whatsoever.

The chief judge of a judicial district may appoint from the other district judges an assistant or assistants to serve on a judicial district-wide basis and at the chief judge's pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district.
[Report 1969; amendment 1972; amendment 1979; Court Order October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 22.6 Court and trial sessions. Chief judges shall by order provide for the following:

22.6(1) A court session by a district judge at least once each week in each county of the district, announced in advance in the form of a written schedule, unless a different schedule is approved by the supreme court.

22.6(2) Additional sessions in each county for the trial of cases, and other judicial matters, of such duration and frequency as will best serve to expeditiously dispose of pending cases ready for trial, and other pending judicial matters.

[Report 1969; Court Order November 9, 2001, effective February 15, 2002]

Rule 22.7 Case assignment. The chief judge may assign and monitor cases within the district and may delegate this authority to the district court administrator by general supervisory order or on

a case-by-case basis. District judges, district associate judges, associate juvenile judges, associate probate judges, and magistrates shall attend to any matter within their statutory jurisdiction assigned to them by the chief judge.

[Court Order May 30, 1986; February 14, 1996; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.8 Judicial district scheduling.

22.8(1) The chief judge of each judicial district shall by annual written order set the times and places of holding court within the judicial district and designate the respective presiding judges. The order shall provide for a court session at least once a week in each county of the judicial district, unless otherwise approved by the supreme court. The order shall provide for a scheduled trial session in each county of the judicial district at least four times each year, to be presided over by a different judge. In determining the schedule ordered, the chief judge shall rotate trial judges without regard to judicial election district lines to facilitate the administration of justice, integrate the district bench and promote the ideal of district administration.

22.8(2) An order of the chief judge demonstrating compliance with this rule for the next calendar year shall be filed by October 15 of the preceding calendar year with the clerk of the supreme court. Following supreme court approval, the chief judge shall file a copy of the order with the clerk of the district court in each county of the respective judicial district.

[Court Order October 15, 1985; November 9, 2001, effective February 15, 2002]

Rule 22.9 Change of venue to another judicial district.

22.9(1) Definitions. As used in this rule:

- a. “*Receiving county*” means the county to which a change of venue is ordered.
- b. “*Sending county*” means the county from which a change of venue is ordered.

22.9(2) Communication prior to ordering a change of venue. Before ordering a change of venue to another judicial district for trial, a judge shall communicate with the office of the chief judge of the judicial district in which the intended receiving county is located. The judge shall determine from inquiry of the chief judge or the chief judge’s designee the availability of a courtroom, a jury panel if required, and any necessary court personnel in the receiving county. Subject to the approval of the chief justice, the judicial district in which the sending county is located shall provide the trial judge and court reporter for the transferred proceeding.

22.9(3) Transmission of copies of order changing venue. Copies of an order changing venue shall be promptly transmitted to all of the following:

- a. The chief judge of the judicial district in which the receiving county is located.
- b. The court administrator for the judicial district in which the receiving county is located.
- c. The clerk of the district court for the receiving county.
- d. The state court administrator, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.
- e. Any other persons required by law to receive copies of such an order.

22.9(4) Action brought in wrong county. This rule does not apply where the action was brought in the wrong county.

[Court Order October 20, 1981; November 9, 2001, effective February 15, 2002; April 9, 2003]

See also rule 2.11 and rule 2.65.

Rule 22.10 Judges — monthly report.

22.10(1) Each senior judge, district judge, district associate judge, full-time associate juvenile judge, full-time associate probate judge, and judicial magistrate shall report monthly to the supreme court, through the office of the state court administrator, all matters taken under advisement in any case for longer than 60 days, together with an explanation of the reasons for the delay and an expected date of decision. If no matters have been taken under advisement over 60 days, the report shall state “none.” Senior judges need only file reports for those months during which they perform judicial duties or have matters under advisement.

22.10(2) Any submission shall be reported when all hearings have been completed and the matter awaits decision without further appearance of the parties or their attorney. A matter shall be deemed submitted even though briefs or transcripts have been ordered but have not yet been filed.

22.10(3) The report shall be due on the tenth day of each calendar month for the period ending with the last day of the preceding calendar month. The report shall be signed by the judge or magistrate and submitted on a form prescribed by the state court administrator.

22.10(4) A judge who is reporting a matter or matters taken under advisement for longer than 60 days shall send to the district court administrator a copy of the report forwarded to the state court administrator. The chief judge of the district shall review the copies filed in the district court administrator's office and take such action as shall be appropriate. A chief judge may elect whether to report any action taken to the supreme court. A district chief judge reporting such matters to the supreme court shall forward a copy to the liaison justice for the chief judge's judicial district.

22.10(5) The state court administrator shall promptly cause all reports received to be filed in the office of the clerk of the supreme court as records available for public inspection.

[Court Order December 15, 1977; February 20, 1981; July 16, 1984 — received for publication October 25, 1984; June 28, 1985, effective July 1, 1985; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.11 Practice of law by judges.

22.11(1) A newly appointed full-time associate juvenile judge, full-time associate probate judge, district associate judge, district judge, court of appeals judge, or supreme court justice (hereinafter, judge) may have 30 days from the date of qualifying for office pursuant to Iowa Code section 63.6, or until the vacancy in the office actually occurs, whichever is later, in which to terminate any private law practice before assuming judicial duties. No newly appointed judge shall be placed on the state payroll or assume judicial duties until such private practice is concluded.

22.11(2) In terminating a law practice, the newly appointed judge shall undertake no new matters, shall conclude those matters which can be completed within the time provided in rule 22.11(1) and shall transfer those matters which cannot be so concluded or which require trial. While in the process of terminating a private practice, the newly appointed judge shall keep court appearances to a minimum.

22.11(3) Upon good cause shown, the supreme court may extend the time in which a newly appointed judge shall comply with this rule.

22.11(4) After assuming judicial duties and being placed on the payroll, a judge shall not engage in the practice of law. The practice of law includes but is not limited to the examination of abstracts, consummation of real estate transactions, preparation of legal briefs, deeds, buy and sell agreements, contracts, wills and tax returns.

[Court Order April 29, 1980; June 28, 1985, effective July 1, 1985; July 26, 1996; December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; April 4, 2002]

Rule 22.12 Senior judges.

22.12(1) The supreme court, in ruling on an application for senior status, including reappointment of an applicant to an additional term, may consider the following factors:

a. The applicant's demonstrated willingness and ability to undertake and complete all assigned work during the applicant's service as a judge or a senior judge.

b. The result of a confidential vote of all full-time judges of the judicial district or appellate court in which the applicant served as a full-time judge. In addition, if the applicant is requesting assignment to another district or to an appellate court in which the applicant did not serve as a full-time judge, the court shall consider the result of a confidential vote of all full-time judges of the judicial district or the appellate court to which the applicant requests assignment: i.e., (suggested) "Shall X be appointed a senior judge?"

c. The result of the most recent judicial plebiscite.

d. The applicant's monthly reports issued pursuant to rule 22.10.

e. The applicant's agreement to perform duties as scheduled and assigned by the chief judge of the district or appellate court where the senior judge is assigned.

f. The applicant's plans, if any, to regularly spend time or reside out-of-state or to become a resident of a state other than Iowa, or an applicant's residency in a state other than Iowa.

g. The applicant's work or plans to work as a mediator, arbitrator or provider of other alternative dispute resolution services.

22.12(2) A person who files an election to become a senior judge any time after the date of retirement, pursuant to Iowa Code section 602.9203, shall file written evidence with the clerk of the supreme court that the person has not engaged in the practice of law between the person's date of retirement and date of senior judge election.

22.12(3) An applicant for appointment to become a senior judge or a senior judge who applies for reappointment to an additional term shall provide evidence to the satisfaction of the supreme court that the applicant or senior judge does not suffer from a physical or mental disability or an illness that would substantially interfere with the performance of duties agreed to under this rule. Evidence shall include:

a. A statement of ability to serve by the applicant and a written opinion of a doctor of medicine or doctor of osteopathic medicine and surgery.

b. Prior to or following appointment or reappointment, a judge or senior judge must provide the court with additional information about the senior judge's physical and mental health and authorization for the release of medical information upon request.

22.12(4) A senior judge shall cease holding office when the senior judge reaches seventy-eight years of age. However, the supreme court may appoint a senior judge to serve up to two additional one-year terms after reaching seventy-eight years of age. To be eligible for consideration, a senior judge must file an application for reappointment within 30 days prior to the expiration of the senior judge's term. Under no circumstances shall a senior judge serve after reaching the age of eighty.

22.12(5) At the end of each calendar quarter, a senior judge shall file a report with the clerk of the supreme court indicating the dates on which the senior judge performed judicial or other assigned duties and the nature of the duties performed or the name of the cases over which the judge presided on each date of service. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.

22.12(6) Senior judges and applicants for appointment and reappointment to the senior judge program must provide information and reports required by this section on forms approved by the supreme court.

22.12(7) The following rules shall apply to senior judges, retired judges assigned to temporary judicial duties pursuant to Iowa Code section 602.1612, and retired senior judges assigned to temporary judicial duties pursuant to section 602.1612 who wish to engage in mediation, arbitration, or other forms of alternate dispute resolution:

a. A judge covered by this rule shall not act as an arbitrator, mediator, or provider of other forms of alternate dispute resolution while assigned to judicial service or when such action will interfere with an assignment to judicial service. A judge covered by this rule shall not use the title "senior judge" or the title "judge" in any form while acting as an arbitrator or mediator.

b. A senior judge shall disclose to the parties if the senior judge has mediated a dispute involving any party or any party's insurer, lawyer, or law firm involved in a case before the senior judge, and any negotiations or agreements for the provision of mediation services between the senior judge and any party or any party's insurer, lawyer, or law firm to a case before the senior judge. A senior judge shall not preside over any case involving a party or a party's insurer, lawyer, or law firm that is using or negotiating to use the senior judge as a mediator, or has used or agreed to use the senior judge as a mediator in the past two years. A senior judge shall not serve as a mediator in any case in which the judge is currently presiding. A senior judge shall not mediate any dispute that is filed in or could be venued or filed in the judicial district or appellate court in which the judge serves. These restrictions cannot be waived by consent of the parties or lawyers. For purposes of this section, mediation includes arbitration and other forms of alternate dispute resolution.

c. At the end of each calendar quarter, a senior judge who has engaged in private mediation or dispute resolution activities during the quarter shall file a report with the clerk of the supreme court. The senior judge shall report the date or time period when the mediation occurred, the county where the mediation occurred, the county in which the dispute arose, the names of the parties, and the names of the lawyers and insurers, if any, involved in the mediation. A senior judge assigned to a judicial district shall provide a copy of the report to the chief judge and to the district court administrator. A senior judge assigned to an appellate court shall provide a copy of the report to the chief judge of the court of appeals or the chief justice, whichever is appropriate, and to the state court administrator. For purposes of this rule, a calendar quarter is a three-month period in the one-year period that commences

on the date a retired judge becomes a senior judge and continues for each successive one-year period while the judge continues to be a senior judge.

[Court Order December 17, 1996, effective January 2, 1997; November 9, 2001, effective February 15, 2002; February 27, 2008; October 31, 2008, effective January 1, 2009; April 30, 2010, effective May 3, 2010]

Rule 22.13 Service by retired judges. No retired judge or retired senior judge shall be eligible for temporary service under the provisions of Iowa Code section 602.1612 after reaching the age of 78. [Court Order September 30, 1987; November 9, 2001, effective February 15, 2002]

Rule 22.14 Judicial vacation.

22.14(1) Supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 22 working days of vacation per calendar year. After 15 years of service with the judicial branch, supreme court justices, court of appeals judges, district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges are entitled to 27 working days of vacation per calendar year.

Vacation schedules of district judges, district associate judges, full-time associate juvenile judges, and full-time associate probate judges shall be coordinated through the office of the chief judge of the district. The chief judge shall cause a record to be kept of the amount of vacation taken by each judicial officer in the district. The number of vacation days shall be prorated during the calendar years a judicial officer begins and separates from judicial service.

No more than 27 working days of accrued, unused vacation from a prior year may be carried into a calendar year. Separation from judicial office shall cancel all unused vacation time. No compensation shall be granted for unused vacation time remaining at the time of separation.

22.14(2) Schedules for judicial magistrates should be arranged by the chief judge of each district to accommodate a reasonable vacation period; however, a judicial magistrate shall not be entitled to any specific vacation days for which compensation may be granted, nor may compensation be granted for days not taken prior to separation from judicial service.

[Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; September 18, 1992, effective January 2, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002; August 29, 2002; November 22, 2004, effective January 1, 2005]

Rule 22.15 Quasi-judicial business.

22.15(1) Each supreme court justice, court of appeals judge, district judge, district associate judge, full-time associate juvenile judge, and full-time associate probate judge may take up to ten working days per calendar year for the purpose of quasi-judicial business. This right is subject to the ability of the chief judge of each district to make necessary scheduling adjustments to accommodate requests. The ten days shall be prorated during the calendar years a judicial officer begins and separates from judicial service. The chief justice of the supreme court may authorize exceptions to this rule.

22.15(2) “Quasi-judicial business” includes teaching, speaking, attending related educational programs, courses or seminars, and those duties specified in rule 22.16(5)(b)(8) and rule 22.16(5)(b)(13) but does not include time spent on other “official duties” enumerated in rule 22.16(5)(b), or teaching judicial branch educational programs when prior approval is obtained from the chief judge of the appropriate judicial district and chief justice of the supreme court.

[Court Order May 20, 1980; May 23, 1985, effective August 1, 1985; June 28, 1985, effective July 1, 1985; October 24, 1985, effective November 1, 1985; July 26, 1996; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.16 Preaudit travel claims of judiciary — definitions. As used in this rule and rules 22.17 through 22.21:

22.16(1) “*Court employee*” or “*employee of the judicial branch*” means an officer or employee of the judicial branch except for a judicial officer or a court reporter.

22.16(2) “*Court reporter*” means every full-time or temporary court reporter compensated by the judicial branch pursuant to Iowa Code section 602.1502.

22.16(3) “*Judicial officer*” means every justice, judge, district associate judge, senior judge, associate juvenile judge, associate probate judge, judicial hospitalization referee, and magistrate, appointed to serve in the state of Iowa.

22.16(4) “*Official domicile*” means the following:

a. "Court employee's official domicile" means the city, town, or metropolitan area within which the office is located to which that court employee is assigned. Transportation costs between any such employee's permanent home and that person's office, and subsistence within the limits of an employee's official domicile are not reimbursable.

b. "Judicial officer and court reporter's official domicile." By December 15 of each year, the chief judge of the judicial district shall designate a courthouse as an official domicile for each judicial officer and court reporter. The official domicile of a judicial officer and a court reporter shall be the courthouse in the county in which the judge or court reporter works more than 50 percent of the time. When the judge or reporter does not work more than 50 percent of the time in the same courthouse, the judge's or reporter's official domicile shall be a courthouse designated by the chief judge. Notification of the official domicile must be filed with the state court administrator's office.

c. Reserved.

d. For purposes of this definition, the following are official domicile-defining metropolitan areas.

Metropolitan Areas	Inclusions
1. Cedar Rapids	1. Hiawatha Marion
2. Clinton	2. Camanche Elvira Low Moor
3. Council Bluffs	3. Bellevue Bennington Boys Town Carter Lake Elkhorn Irvington LaPlatte LaVista Millard Omaha Papillion Ralston Springfield
4. Davenport	4. Bettendorf East Moline Hampton Milan Moline Pleasant Valley Riverdale Rock Island Silvis
5. Des Moines	5. Polk County
6. Dubuque	6. Asbury Centralia East Dubuque Sageville
7. Iowa City	7. Coralville
8. Mason City	8. Clear Lake
9. Sioux City	9. North Sioux City Sergeant Bluff South Sioux City
10. Waterloo	10. Cedar Falls Evansdale

22.16(5) “*Official duties*” means the following:

a. “*Official duties*” of a court reporter or court employee are the responsibilities and functions contained in the judicial branch job description for the position the individual holds.

b. “*Official duties*” of a judicial officer are the responsibilities and functions customarily and usually pertaining to the office of judge or referee. Subject to Iowa Code section 602.1509, and this rule and rules 22.17 through 22.21, official duties include the following:

(1) Attendance at court sittings and performance of the other work of the court.

(2) Attendance at judicial conferences called under Iowa Code section 602.1203.

(3) Attendance by district judges, district associate judges, associate juvenile judges, associate probate judges, and judicial magistrates at district judicial conferences called by chief judges of the district court.

(4) Attendance to give testimony before committees of the general assembly, at the committees’ request.

(5) Attendance at meetings of judicial nominating commissions as the judicial member of the commission.

(6) Performance of functions as a member of committees or commissions appointed by the supreme court, the chief justice, or a chief judge of the district court on court procedure, administration, or structure.

(7) Attendance at meetings when designated by the chief justice to represent the judicial branch.

(8) If approved in advance by the chief justice: attendance to serve as judge at moot court proceedings for Iowa Law School and Drake Law School not to exceed one attendance per calendar year by any one attending judge; attendance at legal or judicial educational and training sessions and courses outside the state; and attendance at meetings of national associations of chief justices, appellate court justices and judges, trial court judges, and judicial officers of limited jurisdiction.

(9) Performance by chief judges of the district court of their administrative functions.

(10) Attendance by members of the judicial council at meetings of the council and of its committees.

(11) Performance by liaison justices of their functions as such within their assigned judicial districts.

(12) Attendance by district associate judges and judicial magistrates at the Iowa judicial magistrates schools of instruction and traffic court conferences.

(13) Performance of functions for which reimbursement of travel expense is authorized by any other Iowa statute or rule of the supreme court.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004]

Rule 22.17 Reimbursable travel.**22.17(1)** *In-state.*

a. Expenses incurred for in-state travel outside the judicial district, except expenses incurred by juvenile court officers in the discharge of their official duties, are not reimbursable unless prior approval for the travel has been given by the chief justice or the chief justice’s designee on a prescribed form. In-state travel for juvenile court officers shall include travel within a 100-mile radius outside the borders of the state of Iowa. Expenses incurred for in-state travel outside the judicial district by juvenile court officers in the discharge of their official duties are not reimbursable unless approval for the travel has been given by the chief juvenile court officer of the judicial district.

b. Reimbursement under this chapter for in-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

22.17(2) *Out-of-state.*

a. Requests to attend conferences, meetings, training courses, programs, and similar gatherings which require out-of-state travel shall be submitted to the chief justice or the chief justice’s designee on a prescribed form at least two weeks prior to the proposed departure date. No reimbursement of out-of-state expenses shall be made unless the trip has received prior approval of the chief justice or the chief justice’s designee except as otherwise provided in this rule.

b. Reimbursement for expenses incurred for out-of-state travel by juvenile court officers in the discharge of their official duties relating to court-ordered transportation and placement shall be

allowed if oral or written approval is given by the chief juvenile court officer of the judicial district and the chief justice or the chief justice's designee at any time prior to the proposed departure.

c. Reimbursement under this chapter for out-of-state travel expenses incurred by juvenile court officers in the discharge of their official duties shall be provided from funds administered by the judicial branch or pursuant to Iowa Code section 232.141, as applicable.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.18 Transportation.

22.18(1) *Route and conveyance.* Transportation shall be by the usually traveled route. Mileage shall be based on mileage published by the department of transportation. Reimbursement shall be limited to the most economical means of conveyance available.

22.18(2) *Mileage — personal car.* Judicial officers, court reporters, and court employees shall be reimbursed their mileage expense when required in the discharge of official duties to travel outside their official domicile. Reimbursement shall be for the miles driven from the official domicile or employee's residence, whichever is less, to the assigned work location. In no instance shall employees and judicial officers be reimbursed for more than actual miles driven, or for commuting to and from their residence and their official domicile or a courthouse within their county of residence. Carpooling is required whenever possible. A judge and the judge's court reporter shall not be separately reimbursed for duplicate mileage expense in traveling to court assignments. The allowance for use of a private automobile on official judicial branch business shall be established by order¹ of the supreme court and shall be presumed to include all automobile expenses. Additionally, judicial officers, juvenile court officers, court reporters, and court employees shall be reimbursed their mileage expense for travel required in the discharge of official duties within the continuous metropolitan area of their official domicile, but not for commuting.

22.18(3) *Transportation other than private automobile.* Expenses for transportation other than private automobile are reimbursed on an actual incurred cost basis and must be claimed accompanied by an original receipt.

22.18(4) *Reimbursement of parking.* Reimbursement for parking expense is allowable when mileage is claimed. Receipts for parking, taxi and/or other transportation expenses, are not required when the total amount, per day, does not exceed \$15. Receipts must be attached to the travel voucher for employees to receive reimbursement for the above expenses in excess of \$15 per day.

[Court Order November 9, 2001, effective February 15, 2002; August 29, 2002; Supervisory Order August 10, 2004]

Rule 22.19 Lodging.

22.19(1) *In-state.*

a. Lodging expense is reimbursed as incurred when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person's official domicile. The name of the establishment where the expense is incurred shall be indicated on the claim form and the original receipt shall be attached. The single room rate is to be noted on the receipt when other than a single room was charged. Special rates for judicial officers, court reporters, and court employees are available at many motels and hotels in the state. An identification card identifying the holder as a judicial officer, court reporter, or court employee is usually necessary. Identification cards are available upon request from the office of the state court administrator. The allowance for lodging shall be the actual cost, but not exceeding \$55 (plus applicable taxes) per day.

b. Judicial officers and court employees are to seek lodging facilities whose rates are within those prescribed in this rule or a reasonable explanation must be noted in the expense claim in order to be considered for reimbursement over the defined maximum rates. (*See rule 22.21(6)*). When seeking overnight lodging judicial officers and court employees should request the lowest of "state," "government," or "commercial" rates, as many facilities offer these "special" rates which a state employee can and should obtain.

1. 40 cents per mile, Supervisory Order 7/18/07, effective 8/1/07.

22.19(2) *Out-of-state.* Lodging expense is not limited outside the state, but the incurred expenditures are to be reasonable. Lodging for approved out-of-state travel shall be reimbursed for the night preceding and the night of the ending date of the authorized meeting.
[Court Order November 9, 2001, effective February 15, 2002; June 16, 2006, effective July 1, 2006; January 4, 2012]

Rule 22.20 Meals.

22.20(1) *In-state.* Incurred meal expense shall be reimbursed at “reasonable and necessary” cost when a judicial officer, court reporter, or court employee is required, in the discharge of official duties, to leave the county of that person’s official domicile. A maximum of \$28 per day may be reimbursed for meals, as outlined below; however, if departure from the official domicile is before 6 a.m., a notation must be included on the Travel Voucher. At the return of the trip, if arrival back at the official domicile is after 7 p.m., a notation to this effect must be included on the Travel Voucher. Meal allowance for travel will be as follows:

a. Departure before 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for breakfast, lunch, and dinner up to a maximum of \$28.

b. Departure before 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for breakfast and lunch up to a maximum of \$13.

c. Departure after 6 a.m. and return to official domicile after 7 p.m. may be reimbursed the actual cost for lunch and dinner up to a maximum of \$23.

d. Departure after 6 a.m. and return to official domicile before 7 p.m. may be reimbursed the actual cost for lunch up to a maximum of \$8.

22.20(2) *Out-of-state.* Meal expenses are not limited out-of-state, but the incurred expenses are to be reasonable. When in travel status, lunch and dinner the day preceding the meeting, and breakfast and lunch the day after a meeting, are reimbursable expenditures.

22.20(3) *Overnight lodging required.* The provisions for meal reimbursement in rules 22.20(1) and 22.20(2) apply only when the travel includes overnight lodging.

[Court Order November 9, 2001, effective February 15, 2002, May 8, 2006; July 18, 2007, effective August 1, 2007]

Rule 22.21 Miscellaneous travel provisions.

22.21(1) *Continuing education expenses.* Provisions relating to “Official duties,” “Travel,” “Transportation,” “Lodging” and “Meals” as used in rules 22.16 through 22.21 shall not be applicable to expenses for continuing education requirements for court reporters or court employees, unless otherwise ordered by the chief justice or the chief justice’s designee.

22.21(2) *Examining Board expenses.* Board of Law Examiners and Shorthand Reporters Examiners will be reimbursed actual and necessary expenses not to exceed one and one-half times the reimbursement allowances provided in rules 22.19 and 22.20.

22.21(3) *Living outside official domicile.* When additional expense is incurred by reason of a court employee maintaining a permanent home in a city, town, or metropolitan area other than that person’s official domicile, unless otherwise determined by the state court administrator, the additional expense is not reimbursable.

22.21(4) *Registration fees.* Registration fees for authorized meetings and conferences are an allowable expense when accompanied by receipt.

22.21(5) *Claim preparation.* All claims shall be typewritten, or printed in ink, and signed by the claimant. Receipts for lodging, public transportation, and any authorized miscellaneous expenses shall be attached to the upper left-hand corner of the form. Claim for reimbursement for out-of-state travel shall be submitted for payment upon completion of the trip.

If reimbursement is sought pursuant to Iowa Code section 232.141, the district court administrator shall process the claim per rules and procedures of the applicable county and the department of human services.

22.21(6) *Exceptions.* The chief justice or the chief justice’s designee may grant exceptions to rules 22.16 through 22.21 as necessitated by unusual circumstances.

22.21(7) *Refreshments.* The cost of refreshments served at meetings will not be reimbursed, except for educational programs sponsored and authorized by the chief justice or the chief justice’s designee.

22.21(8) Form. A written request for travel authority from the chief justice or the chief justice's designee pursuant to rules 22.16 through 22.21 shall be in substantially the following form:

JUDICIAL BRANCH
REQUEST FOR TRAVEL AUTHORITY

<p>_____ Outside of Iowa _____ In-state, out of Judicial District</p> <p>Name _____ Title _____ Judicial District _____</p> <p>DEPARTURE FROM:</p> <p>TRAVEL DATES (ROUND TRIP):</p> <p>MODE OF TRAVEL:</p> <p>PURPOSE OF TRAVEL: (INCLUDE NATURE AND DATES OF MEETING OR OTHER PURPOSE OF TRAVEL AND JUSTIFICATION FOR PROFESSIONAL PURPOSES)</p> <p>ESTIMATED COST:</p> <p style="padding-left: 20px;">Transportation: Lodging: Meals: Other (Please Specify): Total:</p> <p>Anticipated Funding Source(s):</p> <p>Approved as to form:</p> <p>_____ District Court Administrator (initials) Request Approved/Denied: Request Approved/Denied:</p>	<p>Date _____</p> <p>Form to be submitted to Chief Justice of the Supreme Court or the Chief Justice's designee prior to proposed departure date. See rules 22.16 to 22.21 for applicable travel and time for submission.</p> <p>DESTINATION:</p> <p>_____ Person requesting approval _____ Supervising authority (when applicable)</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">_____ Chief Judge</td> <td style="width: 50%;">_____ Date</td> </tr> <tr> <td>_____ Chief Justice</td> <td>_____ Date</td> </tr> </table> <p>Supreme Court of Iowa (or Chief Justice's designee)</p>	_____ Chief Judge	_____ Date	_____ Chief Justice	_____ Date
_____ Chief Judge	_____ Date				
_____ Chief Justice	_____ Date				

[Court Order June 11, 1981; November 30, 1981 (Received for publication January 5, 1983); June 28, 1984; June 28, 1985, effective July 1, 1985; October 3, 1985, effective October 15, 1985; May 15, 1986, effective July 1, 1986; November 20, 1986, effective December 1, 1986; July 21, 1988, effective August 1, 1988; October 12, 1989, effective November 1, 1989; November 13, 1990, effective January 2, 1991; January 17, 1991; July 12, 1991, effective July 12, 1991, for expenses on or after January 2, 1991; December 16, 1994, effective December 16, 1994; December 16, 1994, effective January 2, 1995; January 3, 1996; March 21, 1996; July 26, 1996; November 5, 1996; December 21, 1999, effective January 1, 2000; May 26, 2000, effective July 1, 2000; November 9, 2001, effective February 15, 2002]

Rule 22.22 Gifts.

22.22(1) Judicial officers are not subject to the provisions of this rule, but shall be subject to the gift provisions of the Iowa Code of Judicial Conduct.

22.22(2) Except as otherwise provided in this rule, an employee of the judicial branch or a member of that person's immediate family shall not, directly or indirectly, accept, receive or solicit any gift or series of gifts.

22.22(3) As used in this rule:

a. "Employee" means any employee of the judicial branch other than a judicial officer subject to the gift provisions of the Iowa Code of Judicial Conduct.

b. "Gift" means a rendering of anything of value in return for which legal consideration of equal or greater value is not given or received, if the donor is:

(1) A party or other person involved in a case pending before the donee.

(2) A party or a person seeking to be a party to any sale, purchase, lease or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.

(3) A person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

c. "Gift" does not include:

(1) Informational material relevant to the employee's duties, such as books, pamphlets, reports, documents or periodicals, or the cost of registration for an education conference or seminar which is relevant to the employee's duties.

(2) Anything received from a person related within the fourth degree of kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(3) An inheritance or bequest.

(4) Anything available or distributed to the public generally without regard to the official status of the recipient.

(5) Actual expenses of a donee for food, beverages, travel, and lodging, which is given in return for participation at a meeting as a speaker, panel member or facilitator, when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.

(6) Plaques or items of negligible resale value given as recognition for public service.

(7) Nonmonetary items with a value of \$3 or less that are received from any one donor during one calendar day.

(8) Items or services solicited by or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member.

(9) Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the judicial branch is a member.

(10) Funeral flowers or memorials to a church or nonprofit organization.

(11) Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary.

d. "Immediate family" means the spouse and minor children of an employee of the judicial branch.

22.22(4) For purposes of determining the value of an item, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value shall be the value actually received by the donee.

22.22(5) An employee of the judicial branch or the person's immediate family member, may accept a nonmonetary gift or a series of nonmonetary gifts and not be in violation of this rule if the nonmonetary gift or series of nonmonetary gifts is donated within 30 days to a public body, the state court administrator, the department of general services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual.

[Court Order June 30, 1980; July 31, 1987, effective August 3, 1987; December 29, 1992, effective January 1, 1993; August 19, 1993; November 9, 2001, effective February 15, 2002; April 30, 2010, effective May 3, 2010]

Rule 22.23 Honoraria.

22.23(1) An official or employee of the judicial branch shall not seek or accept an honorarium.

22.23(2) As used in this rule:

a. "Honorarium" means anything of value that is accepted by, or on behalf of, an official or employee of the judicial branch as consideration for an appearance, speech or article if the donor is:

- (1) A party or other person involved in a case pending before the donee.
- (2) A party or person seeking to be a party to any sale, lease, or contract involving the judicial branch or any of its offices, if the donee has authority to approve the sale, lease, or contract or if the donee assists or advises the person with authority to approve the sale, lease, or contract.
- (3) A person who will be directly and substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

b. "Honorarium" does not include:

- (1) Actual expenses of a donee for food, beverages, travel, lodging and registration which is given in return for participation at a meeting as a speaker, panel member or facilitator when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.
- (2) Payment to an employee for services rendered as part of outside employment which has been approved pursuant to the department's personnel policies, if the payment is commensurate with the actual activity or services rendered and not based upon the employee's position within the department, but, rather, because of some special expertise or other qualification.
- (3) Payment to a judge or magistrate for officiating and making return for a marriage pursuant to rule 22.29.
- (4) Payment to a judge or senior judge for instruction at an accredited education institution, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.
- (5) Payment to a part-time judge for services rendered as part of a bona fide business or profession in which the judge is engaged, if the payment is commensurate with the actual activity or services rendered and not based upon the judge's official position.
- (6) Payment to a senior judge for services rendered as an arbitrator or mediator, if the payment is commensurate with the actual activity or services rendered and not based upon the senior judge's official position. [Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.24 Interests in public contracts.

22.24(1) A full-time official or employee of the judicial branch shall not sell any goods or services to any state agency.

22.24(2) As used in this rule, "services" does not include any of the following:

a. Instruction at an accredited education institution by a judge, senior judge or magistrate if permitted as a quasi-judicial or extrajudicial activity pursuant to the Code of Judicial Conduct or by an employee as part of outside employment which has been approved pursuant to the judicial branch's personnel policies.

b. The preparation of a transcript by an official court reporter.

[Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.25 Services against the state.

22.25(1) No official or employee of the judicial branch shall receive, directly or indirectly, or enter into an agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.

22.25(2) As used in this rule, "appearance or service against the interest of the state" means an appearance or service which conflicts with a person's duties or employment obligations owed to the state.

[Court Order December 29, 1992, effective January 1, 1993; November 9, 2001, effective February 15, 2002]

Rule 22.26 Personal disclosure.

22.26(1) Each official shall file a statement of personal financial disclosure in the manner provided in this rule. The disclosure must be filed even if there is no financial information to report. The disclosure must contain:

a. A list of each business, occupation, or profession (other than employment by the judicial branch) in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.

b. A list of any sources of income (other than income from employment by the judicial branch) if the source produces more than one thousand dollars annually in gross income. "Sources of income" includes those sources which are held jointly with one or more persons and which in total generate more than \$1000 of income. "Jointly" means the ownership of the income source is undivided among the owners and all owners have one and the same interest in an undivided possession, each with full rights of use and enjoyment of the total income. Sources of income that are co-owned but with ownership interests that are legally divisible, without full rights of use or enjoyment of the total income, need not be reported unless the person's portion of the income from that source exceeds \$1000. For purposes of this rule, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as a source of income.

Sources of income listed pursuant to this rule may be listed under any of the following categories:

- (1) Securities.
- (2) Instruments of financial institutions.
- (3) Trusts.
- (4) Real estate.
- (5) Retirement systems.
- (6) Other income categories specified in state and federal income tax regulations.

22.26(2) The statement of personal financial disclosure shall be reported on forms adopted by the supreme court and shall be filed with the clerk of the supreme court on or by the first day of April each year or no later than 30 days after assuming office. The statement of personal financial disclosure forms shall be retained for a period of two years.

[Court Order December 29, 1992, effective January 1, 1993; Statement required April 1, 1994; November 9, 2001, effective February 15, 2002; November 22, 2004]

Rule 22.27 Definitions. As used in rules 22.22 to 22.26:

22.27(1) "*Employee*" means a paid employee of the state of Iowa, including independent contractors, and does not include a member of a board, commission, or committee.

22.27(2) "*Official*" means an officer of the judicial branch performing judicial functions, including an associate juvenile judge, a magistrate or referee, an associate probate judge, and the state court administrator, and does not include a member of a board, commission, or committee.

[Court Order December 29, 1992, effective January 1, 1993; July 26, 1996; November 9, 2001, effective February 15, 2002]

Rule 22.28 Transcripts — rates for transcribing a court reporter's official notes.

22.28(1) Pursuant to Iowa Code section 602.3202, the maximum compensation of shorthand reporters for transcribing their official notes shall be as follows:

a. Ordinary transcript (a transcript of all or part of the proceedings) - \$3.50 per page for the original and one copy to the party ordering the original and 50 cents per page for each additional copy.

b. Expedited transcript (a transcript of all or part of the proceedings to be delivered within seven calendar days after receipt of an order) - \$4.50 per page for the original and one copy to the party ordering the original and 75 cents per page for each additional copy.

c. Daily transcript (a transcript of all or part of the proceedings to be delivered following adjournment for the day and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day) - \$5.50 per page for the original and one copy to the party ordering the original and \$1.00 per page for each additional copy.

d. Unedited transcript (an unedited draft transcript produced as a byproduct of realtime or computer aided transcription software to be delivered on electronic media or paper) - \$2.25 per page for the original and 25 cents per page for each copy. The unedited disk or printed draft transcript shall not be certified and may not be used to contradict the official district court transcript.

e. Realtime transcript (an unedited draft transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings for viewing and retention) -

\$2.75 per page for the original and \$1.00 per page for each copy. The unedited text of the proceedings shall not be certified and may not be used to contradict the official district court transcript. Litigants who order realtime services, and subsequently order an original certified transcript of the same proceeding, will not receive credit toward the purchase cost of the certified transcript. Only certified realtime reporters may be compensated for such transcripts.

22.28(2) These rates of compensation shall apply to each separate page of transcript even if they are produced in a condensed transcript format.

22.28(3) These rates of compensation shall be the same whether the transcript is produced in an electronic or paper format. A certified transcript may be sold in an electronic format only if a paper transcript is produced, certified, and filed with the clerk of court for the records of the court or delivered to the custodial attorney. No additional charge is permitted for an ASCII disk or other form of electronic media when it accompanies a paper transcript.

22.28(4) Court reporters are only required to prepare ordinary transcripts. They may, but are not required to, produce the types of transcripts described in rule 22.28(1)(b-e).

22.28(5) An official court reporter shall file with the state court administrator a report that discloses the compensation received and the expenses paid by the reporter for the production of transcripts and copies of transcripts of court proceedings during the reporting period. This report shall include the following information for each transcript or copy of a transcript:

a. The caption, county, and number of the case in which the court reporter produced the transcript or copy.

b. The person, government body, or entity that paid for the transcript or copy.

c. The amount received for the transcript or copy.

d. The number of pages of the transcript or copy.

e. Whether the transcript was requested pursuant to rule 6.803.

f. The expenses paid by the court reporter directly related to the cost of preparing the original or copies of the transcript, including paper, copying services, transcription services, audio tapes, binding services, and materials and shipping and postage.

22.28(6) In addition to the information required by rule 22.28(5), the report shall disclose the expenses paid by the court reporter for equipment and software, including computers, laptop computers, audio recorders, stands, printers, and related accessories used to produce transcripts and copies of transcripts. Software includes application software necessary for the operation of court reporting equipment and the production of notes and a transcript of official court proceedings, annual updates to court reporting application software, and the support and maintenance of court reporting application software.

22.28(7) The reporter shall electronically file the report required by this rule on forms approved by the supreme court annually by May 1. A reporter's first report should disclose expenses for equipment and software purchased prior to, but used during, the reporting period. If a reporter ceases employment, the report required by this rule shall be filed within 30 days of cessation of employment.

22.28(8) These reporting requirements apply to all types of transcripts described in rule 22.28(1)(a) to (e). The state court administrator shall retain the reports required by this rule for a minimum of two years. These reports shall be public information.

[Court Order March 15, 2007; November 9, 2009; May 27, 2010]

Rule 22.29 Marriage fees received by a judicial officer.

22.29(1) A judge or magistrate may charge a fee for officiating and making return for each marriage solemnized at a time other than regular judicial working hours and at a place other than a court facility. This fee shall not exceed the sum of \$200.

22.29(2) A judge or magistrate may charge the parties to the marriage for expenses incurred in solemnizing the marriage. In no event shall the expenses charged exceed the maximum amounts set by rules 22.16 through 22.21.

22.29(3) The phrase "regular judicial working hours," for purposes of this rule, shall mean 8 a.m. to 5 p.m. Monday through Friday (except for legal holidays) for all judicial officers except magistrates, and for them the schedule fixed by the chief judge of the judicial district.

[Court Order July 1, 1983; received for publication April 2, 1984; September 17, 1984; Court Order July 7, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; March 16, 2006]

Rule 22.30 Use of signature facsimile.

22.30(1) In all instances where a law of this state requires a written signature by a justice of the supreme court, judge of the court of appeals, district judge, district associate judge, judicial magistrate, clerk of the district court, county attorney, court reporter, associate juvenile judge, associate probate judge, judicial hospitalization referee, probate referee, or law enforcement officer, any such officer may use, or direct and authorize a designee to possess and use, a facsimile signature stamp bearing that officer's signature or an electronically scanned signature of the officer pursuant to the provisions of this rule.

22.30(2) Whether used personally by the officer whose signature it bears or by a designee of that officer, a facsimile signature stamp or electronically scanned signature must contain a true facsimile of the actual signature of that officer. The stamp or electronically scanned signature shall be kept in the secure possession of the officer or that officer's designee at all times, accessible only to the officer or the officer's designee.

22.30(3) An officer directing and authorizing a designee to possess and use a facsimile signature stamp or electronically scanned signature bearing that officer's signature shall execute a written designation of the authorization. The designation shall be addressed to the designee, by name or title, and shall specifically identify each category of documents to which the designee is authorized to affix the stamp or electronically scanned signature. The original of the written designation shall be filed with the district court administrator in the judicial district within which the officer is located; appellate judges and justices shall file their original designations with the clerk of the supreme court. A copy of the written designation shall be retained by the officer and by the designee.

22.30(4) A written designation made by an officer pursuant to rule 22.30(3) may be revoked, in writing, at any time by the officer who executed it, and shall stand automatically revoked upon that officer's ceasing to hold the office for any reason. A written revocation of designation shall be addressed to the former designee, in the same manner as the original designation. A copy of the written revocation shall be retained by the officer and by the former designee. A facsimile signature stamp in the possession of a former designee shall be forthwith returned to the officer who issued it, if available, or shall be destroyed by the former designee. A revoked electronically scanned signature shall be deleted.

22.30(5) Nothing contained in this rule shall abrogate any provision of Iowa Code section 4.1(39). [Court Order May 17, 1984; July 25, 1986, effective September 2, 1986; June 22, 1987, effective August 3, 1987; July 26, 1996; November 9, 2001, effective February 15, 2002; June 3, 2009; March 9, 2010]

Rule 22.31 Juror compensation.

22.31(1) Compensation for a juror's first seven days of attendance and service on a case shall be \$30 per day, including attendance required for the purpose of being considered for service.

22.31(2) When a juror's attendance and service on a case exceed seven days, the rate of compensation shall be \$50 for each day after the seventh day.

22.31(3) For purposes of juror compensation, the days of attendance and service do not have to be consecutive.

[Court Order September 25, 2006; October 22, 2007]

Rule 22.32 Magistrates — annual school of instruction. Each magistrate shall be required to attend a judicial branch school of instruction prior to taking office and annually thereafter unless excused by the chief justice for good cause. A magistrate appointed to fill a vacancy shall attend the first school of instruction that is held following the appointment, unless excused by the chief justice for good cause.

[Court Order September 23, 1985, effective October 15, 1985; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.33 Nepotism. No judicial officer or employee of the judicial branch shall appoint, or continue to employ any person related by consanguinity or affinity within the third degree. This prohibition shall apply to any employment where a direct supervisory relationship exists between the judicial officer or employee and the person supervised.

In the event an employment situation exists within the judicial branch which is consistent with Iowa Code chapter 71 but inconsistent with this rule, the supervisor shall terminate the employment

relationship prior to March 15, 1986. Every effort shall be made by the judicial branch to relocate within the branch any individual who is dismissed as a result of this rule.

[Court Order January 22, 1986, effective February 3, 1986; November 9, 2001, effective February 15, 2002; August 29, 2002]

Rule 22.34 Judicial branch appointments. It is a policy of the judicial branch that all boards, commissions, and committees to which appointments are made or confirmed by any part of the judicial branch shall reflect, as much as possible, a gender balance. If there are multiple appointing authorities for a board, commission, or committee, they shall consult with each other to avoid contravention of this policy.

[Court Order June 30, 1986, effective July 1, 1986; November 9, 2001, effective February 15, 2002]

Rule 22.35 Service copies.

22.35(1) After April 1, 1988, the clerk of court shall not make a part of the court file, or otherwise retain in the clerk's office, service copies of pleadings, orders, or writs.

22.35(2) "Service copy" means the copy of the pleading, order, or writ attached to either the return of service or the document proving service.

22.35(3) All returns of service shall specify what pleading, order, or writ was served. Returns of service of an original notice shall certify that a copy of the petition was served with the notice pursuant to Iowa R. Civ. P. 1.302.

[Court Order January 29, 1988, effective March 1, 1988; November 9, 2001, effective February 15, 2002]

Rule 22.36 Paper size and requested copies.

22.36(1) Paper size. All pleadings and other papers filed in the Iowa district courts and their small claims divisions shall be on 8½ inch by 11 inch size white paper of standard weight, with a margin of at least one inch at the top of each page. Exhibits attached to pleadings shall be of the same size as pleadings, reduced from their original size if necessary. Original documents, including wills, bonds, notes, foreclosed mortgages, and real estate contracts, may be filed on longer paper. Uniform Citation forms and other court forms smaller than 8½ by 11 inches shall be accepted for filing. The clerks of court shall not accept filings which do not substantially comply with this rule.

22.36(2) Requested copies. If counsel or any party requests file-stamped copies of pleadings or other papers to be returned by mail, an extra copy and a self-addressed, postage prepaid envelope, large enough to accommodate the copy being returned, must be included with the filing. No copy shall be returned by mail unless this rule is followed.

[Court Order May 12, 1989, effective July 3, 1989; March 20, 1991, effective July 1, 1991; November 9, 2001, effective February 15, 2002]

Rule 22.37 Purging of case files.

22.37(1) Each clerk of the district court may purge civil case files ten years after final disposition. For purposes of this rule and rule 22.38, civil case files do not include juvenile, mental health, probate, or adoption proceedings. Each district court clerk may purge criminal case files ten years after dismissal of all charges, or ten years after the expiration of all sentences imposed or the date probation is granted, whichever later occurs. For purposes of this rule and rule 22.38, "purging" means the removal and destruction of documents in the case file which have no legal, administrative or historical value. The documents are to be retained or discarded in accordance with the purging lists in rule 22.38.

22.37(2) Purging shall be done prior to reproduction of an entire court file in preparation for destruction under Iowa Code section 602.8103. A file shall be purged only once, pursuant to the provisions of this rule in effect at the time of purging.

22.37(3) Each clerk of the district court shall designate either the clerk or a deputy as the "Records Management Specialist." The records management specialist shall be responsible for implementing office procedures for records management and retention, including the implementation of this rule. The records management specialist shall be the local supervisor who will answer questions about purging any documents not on the lists provided in rule 22.38. Any question not answerable by the records management specialist shall be referred to the district court administrator, who may refer questions to the state court administrator.

22.37(4) The district court clerk need not give notice to any agency, attorney, party, or other group before purging any files under this rule and rule 22.38. Any government agency, historical society,

group, or person may request and obtain any or all purged documents upon making written request to the local district court clerk, and tendering payment therefor. District court clerks shall cooperate with reasonable requests of local and state historical societies when implementing purging operations.

22.37(5) Case files will be excepted from this rule only upon court order signed by a majority of the district judges of that district. The order may prohibit purging specific court files in whole or part, and must state the reason for the prohibition.

22.37(6) Purging of case files in proceedings involving parental notification of a minor's abortion under Iowa Code chapter 135L shall be in accordance with Iowa Ct. R. 8.32(3).

22.37(7) Orders appointing condemnation commissioners shall be retained for five years and then destroyed without reproduction.

22.37(8) One year after filing, district court clerks may destroy, without reproduction, "Confidential Information Forms" filed pursuant to Iowa Code section 602.6111. [Court Order November 9, 2001, effective February 15, 2002]

Rule 22.38 Purging of case files — lists.

22.38(1) Civil case files.

(A) Retain in files:

- (1) Original notice.
- (2) Petition.
- (3) Return of service—affidavit of publication, certificate of state official (long arm/nonresident motorist, foreign corporations).
- (4) Answer.
- (5) Cross-petition.
- (6) Answer to cross-petition.
- (7) Counterclaim.
- (8) Signed orders (original signed by judge).
- (9) Decisions or decrees of court opinions.
- (10) Amended pleadings (see nos. 2, 4, 5, 6, or 7).
- (11) Writs issued (return of service).
- (12) Entry of judgment.
- (13) Dismissal.
- (14) Jury verdict form (signed).
- (15) Notice of appeal.
- (16) Procedendo from clerk of supreme court.
- (17) Agreement for judgment.
- (18) Offer to confess judgment.
- (19) Acceptance of offer to confess judgment.
- (20) Execution/special execution.
- (21) Return on execution/sheriff's sale.
- (22) Stipulations.
- (23) Partial satisfactions.
- (24) Special appearance.
- (25) Claim for return of seized property.
- (26) Application for forfeiture of seized property.
- (27) Release and/or satisfaction.

(B) Discard from files (EXCEPT in those cases excluded in rule 22.37(1)):

- (1) All duplicates of original documents.
- (2) Bonds.
- (3) Motions/Applications:
 - (a) Amend
 - (b) Change venue
 - (c) Dismiss/demurrer

- (d) Strike
- (e) Quash
- (f) More specific statement
- (g) Summary judgment
- (h) Consolidation
- (i) Stay
- (j) Compel
- (k) Sanctions
- (l) New trial
- (m) Reconsideration
- (n) Enlarge and amend
- (o) Continuance
- (p) Consolidate or sever
- (q) Judgment notwithstanding verdict
- (r) Examinations of judgment debtor
- (s) Substitute party
- (t) Withdrawal of attorney
- (u) Condemn funds
- (v) Citation for contempt
- (4) Response to any motion.
- (5) Briefs.
- (6) Notice of deposition.
- (7) Deposition transcripts.
- (8) Interrogatories and answers.
- (9) Notice of interrogatories.
- (10) Request for production.
- (11) Response to request for production.
- (12) Request for admissions and responses.
- (13) Pretrial compliance reports.
- (14) Trial certificates.
- (15) Objections to trial certificate.
- (16) Subpoenas.
- (17) Proposed jury instructions.
- (18) Witness lists; exhibits lists.
- (19) Correspondence.
- (20) Directions to sheriff for service.
- (21) Demand for jury trial.
- (22) Certificate of reporters re: costs of or taking deposition.
- (23) Order condemning funds.
- (24) Scheduling order or notices.
- (25) Orders that only set hearings.
- (26) Strike list notices.
- (27) Warrant for arrest of contemnor.
- (28) Entry of default.
- (29) Jury instructions.
- (30) Receipts for exhibits.
- (31) Praecipe.
- (32) Affidavit of amount due.
- (33) Affidavit of payments made.

22.38(2) Criminal case files.**(A) Retain in files:**

- (1) Trial information and minutes of testimony.
- (2) Indictment.
- (3) Amended trial information.
- (4) Written plea of guilty.
- (5) Opinion or decision of court.
- (6) All orders of court, except those only setting a hearing.
- (7) Jury instructions.
- (8) Jury verdict (signed).
- (9) Notice of appeal.
- (10) Procedendo from clerk of supreme court.
- (11) Notice of dismissal of appeal.
- (12) Judgment entry.
- (13) Sentencing entry.
- (14) Presentence investigation report and associated reports.

(B) Discard from files (EXCEPT in those cases excluded in rule 22.37(1)):

- (1) All duplicates of original documents.
- (2) All copies and originals of jail booking forms and receipts.
- (3) All subpoenas issued and returned.
- (4) Written stipulations.
- (5) Warrant for arrest.
- (6) Return on warrant.
- (7) Bail bonds.
- (8) Recognizance agreements to appear.
- (9) Written arraignment.
- (10) Motions:
 - (a) To suppress and response
 - (b) Change of venue and response
 - (c) Limine and response
 - (d) To dismiss and response
 - (e) To sever trial and response
 - (f) Bill of particulars and response
 - (g) To amend trial information
 - (h) For appointment of counsel
 - (i) For withdrawal of counsel
 - (j) To determine competency
 - (k) To consolidate trial
 - (l) For continuance
 - (m) To correct sentence
 - (n) Reduction of bail or review conditions of release
 - (o) To revoke bail or pretrial release
 - (p) To forfeit bail
 - (q) To compel
- (11) Orders that only set hearings.
- (12) Briefs.
- (13) Proposed or requested jury instructions.
- (14) Pretrial conference reports, minutes, or orders.
- (15) Notices of depositions.
- (16) Scheduling notices.

- (17) Requests for transcripts.
- (18) Registered mail receipt cards or letters returned.
- (19) Receipts for evidence.
- (20) Correspondence from attorneys.
- (21) Nonsubstantive correspondence from defendants.
- (22) Application to revoke probation, or to adjudicate guilt, or to revoke deferred judgment.
- (23) Magistrate's transcript.
- (24) Complaint forms.
- (25) Media coordinator requests.
- (26) Appearance of attorney.
- (27) Witness lists.
- (28) Notice of special defense, (i.e., insanity, intoxication, alibi, duress, etc.)
- (29) Iowa R. Crim. P. 2.14(2)(a), disclosure required upon receipt (Notice).
- (30) Application for search warrant.
- (31) Return on search warrant.

22.38(3) Divorce/Dissolution of Marriage/Separate Maintenance/Child Support and Paternity case files.

(A) Retain in files:

- (1) Original notice.
- (2) Petition for divorce, separate maintenance, dissolution of marriage, child support, or to determine paternity.
- (3) Return of service—affidavit of publication.
- (4) Acceptance of service.
- (5) Answer.
- (6) Cross-petition.
- (7) Answer to cross-petition.
- (8) Signed orders (original signed by judge).
- (9) Decrees or decisions of court.
- (10) Amended pleadings (see nos. 2, 5, 6, or 7).
- (11) Writs issued (return of service).
- (12) Entry of default.
- (13) Dismissal.
- (14) Notice of appeal.
- (15) Procedendo from clerk of supreme court.
- (16) Paternity test results.
- (17) Petition or application for modification.
- (18) Answer to petition or application for modification.
- (19) Order for temporary support or temporary custody.
- (20) Stipulations.
- (21) Execution/special execution.
- (22) Satisfaction/partial satisfaction.
- (23) Appearance by attorney or party.
- (24) Assignments of judgments and terminations of assignments.
- (25) Financial affidavits.
- (26) Child support worksheets.
- (27) Confidential information required under Iowa Code section 598.22B.

(B) Discard from files:

- (1) All duplicates of original documents.
- (2) Bonds.

- (3) Motions/applications:
 - (a) Amend
 - (b) Change venue
 - (c) Dismiss/demurrer
 - (d) Strike
 - (e) Quash
 - (f) More specific statement
 - (g) Stay
 - (h) Compel
 - (i) Sanctions
 - (j) New trial
 - (k) Reconsideration
 - (l) Enlarge and amend (Iowa R. Civ.P. 1.904(2))
 - (m) Continuance
 - (n) Examinations of judgment debtor
 - (o) Withdrawal of attorney
 - (p) Condemn funds
 - (q) Citation for contempt
- (4) Response to any motion.
- (5) Briefs.
- (6) Notice of deposition.
- (7) Depositions transcripts.
- (8) Interrogatories and answers to interrogatories.
- (9) Notice of interrogatories.
- (10) Requests for production.
- (11) Response to requests for production.
- (12) Requests for admissions and responses.
- (13) Trial certificates.
- (14) Objections to trial certificates.
- (15) Subpoenas.
- (16) Correspondence.
- (17) Directions to sheriff for service.
- (18) Certificate of reporters re: costs of or taking depositions.
- (19) Order condemning funds.
- (20) Scheduling order or notices.
- (21) Orders that only set hearings.
- (22) Warrant for arrest of contemnor.
- (23) Strike list notices.
- (24) Receipts for exhibits.
- (25) Proof of service by Child Support Recovery Unit.
- (26) Certificate of completion of parent education program.

[Court Order February 17, 1989, effective April 15, 1989; July 26, 1996; October 3, 1997; November 25, 1998; October 27, 1999; November 9, 2001, effective February 15, 2002]

Rule 22.39 Staffing offices of clerks of court. The supreme court shall allocate staff to the clerk of court office in each county. The court shall take into account workload and availability of funds for state court operations. The court shall set the business hours of each office. To facilitate case processing, the court may allow each office of the clerk of court to operate without being open to the public for a portion of each day the office is open for business to enable an office to process its work without interruption.

[Court Order November 12, 2009]

Rule 22.40 Public business hours of offices of clerks of court. For purposes of Iowa Code section 4.1(34), the word “day” means the period of time defined by the public business hours of an office

of the clerk of court as established by order of the supreme court. If the supreme court has by order closed an office of the clerk of court for an entire day, that day shall be treated as a holiday or a weekend. Nothing in this rule shall prevent a party from filing with the court pursuant to Iowa Rule of Civil Procedure 1.442(5).
[Court Order November 12, 2009]

CHAPTER 39

CLIENT SECURITY COMMISSION

Rule 39.1	Client Security Commission
Rule 39.2	Principal executive officer
Rule 39.3	Clients' security trust fund of the bar of Iowa
Rule 39.4	Audit — treasurer's duties — budget
Rule 39.5	Annual disciplinary fee
Rule 39.6	Fund assessments
Rule 39.7	Certificate of exemption — required statement
Rule 39.8	Enforcement
Rule 39.9	Claims
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CHAPTER 39

CLIENT SECURITY COMMISSION

Rule 39.1 Client Security Commission.

39.1(1) *Commission.* There is hereby created a Client Security Commission, hereinafter referred to as “commission,” which shall have the duties and powers provided in this chapter.

39.1(2) *Duties of commission.* The commission shall have the following duties and powers as limited and defined in this chapter:

a. To examine lawyer defalcations and breaches of Iowa Rules of Professional Conduct, the rules relating to the discipline of members of the Iowa bar, and to make recommendations to the supreme court concerning rule changes deemed necessary or desirable in this area.

b. To assist the court in administering both preventive and remedial attorney disciplinary procedures contained in these rules or other court rules.

c. To administer and operate the Clients’ Security Trust Fund of the Bar of Iowa, as hereinafter created, designated as the “fund.”

39.1(3) *Appointment of commissioners.* The supreme court shall appoint five members of the Iowa bar and two laypersons who are residents of this state to the commission. The original appointment shall be two commissioners for a one-year term, two for a two-year term, one for a three-year term, one for a four-year term and one for a five-year term. At the expiration of such terms, all subsequent appointments shall be for a term of four years, and any commissioner who has served two full terms shall not be eligible for reappointment. A vacancy occurring during a term shall be filled by the supreme court for the unexpired portion thereof.

39.1(4) *Organization and meetings.* The commissioners shall organize annually and shall then elect from among their number a chair and a treasurer to serve for a one-year term and such other officers for such terms as they deem necessary or appropriate. Meetings thereafter shall be held at the call of the chair or of the majority of the commissioners. Five commissioners shall constitute a quorum and may transact all business except as may be otherwise provided by this chapter and chapter 40 of the Iowa Court Rules.

39.1(5) *Regulations.* The commission shall adopt regulations, consistent with this chapter and subject to the approval of the supreme court, concerning all of the powers and duties granted to and imposed upon the commission by this chapter.

39.1(6) *Reimbursement.* The commissioners shall serve without compensation but shall be entitled to reimbursement from the fund for their expenses reasonably incurred in the performance of their duties.

[Court Order December 5, 1973; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; May 25, 2004; April 20, 2005, and July 1, 2005, effective July 1, 2005]

Rule 39.2 Principal executive officer.

39.2(1) *Appointment.* The director of the office of professional regulation shall serve as the principal executive officer of the client security commission. Wherever in this chapter a reference to the “director” appears, it shall refer to the director of the office of professional regulation. The director shall file a bond annually with the commission with such surety as may be approved by it and in such amount as it may fix. Premiums on said bond shall be paid by the fund.

39.2(2) *Duties of director.* Subject to the supervision of the supreme court and the commission, the director shall do the following:

a. Collect attorney fees and assessments for the fund and report to the commission the names and addresses of all attorneys who fail to pay the fee and assessment.

b. Serve as executive secretary to the commission and assist in the operation and administration of the fund.

c. Conduct investigations and audits of attorneys’ accounts and office procedures to determine compliance with this chapter, Iowa Rule of Professional Conduct 32:1.15, and chapter 45 of the Iowa Court Rules and report violations to the commission.

d. Maintain an office in such place as the supreme court shall designate, act as a liaison between the court, the commission, and other commissions, committees, boards, and personnel serving a function in the disciplinary system, and maintain for the court records of disciplinary proceedings and such other information and data as the court shall require.

e. Upon request of the commission, institute disciplinary proceedings before the grievance commission pursuant to chapter 35 of the Iowa Court Rules.

f. Perform such other functions and duties as may be directed by the supreme court.
[Court Order December 5, 1973; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007]

Rule 39.3 Clients' security trust fund of the bar of Iowa.

39.3(1) *Creation, operation and purpose.* A trust fund, to be known as the "Clients' Security Trust Fund of the Bar of Iowa" (hereinafter, the "fund") is hereby authorized and created.

39.3(2) *Administration.* The fund shall be operated and administered by the commission in accordance with this chapter.

39.3(3) *Purpose.* The purpose of the fund shall be to prevent defalcations by members of the Iowa bar, and insofar as practicable, to provide for the indemnification by the profession for losses caused to the public by the dishonest conduct of members of the bar of this state, and to provide funding for the administration of the lawyer disciplinary system and other programs which impact the disciplinary system including, but not limited to, the Iowa Lawyer's Assistance Program.

39.3(4) *Powers and duties of commission relating to the fund.* The commission, in addition to the powers granted elsewhere in this chapter, shall have the following powers and duties:

a. To receive, hold, manage, and distribute, pursuant to the direction of the supreme court and this chapter, the moneys raised hereunder, and any other amounts that may be received by the fund through voluntary contributions or otherwise.

b. To adopt, subject to the approval of the supreme court, regulations for the administration of the fund and the procedures for presentation, consideration, recognition, rejection and payment of claims, and for conducting business. A copy of such regulations shall be filed with the clerk of the supreme court.

c. To enforce claims for restitution, arising by subrogation or assignment or otherwise.

d. To invest the fund, or any portion thereof, in those investments and in the percentages authorized by Iowa Code section 97B.7, (investments for Iowa public employees' retirement system); provided, however, the commission shall not be required to invest such portions of the fund as it may deem necessary to be currently available for payment of claims and other expenses required by this chapter. All interest or other income received in the operation of the fund shall become a part of the fund.

e. To employ and compensate consultants, agents, legal counsel and employees.

f. To delegate the power to perform routine acts which may be necessary or desirable for the operation of the fund, including the power to authorize disbursements for routine operating expenses of the fund, and all necessary expenses of the assistant administrator and staff in the performance of their duties; but authorization for payment of claims shall be made only by the commission under the provisions of this chapter.

g. To sue in the name of the commission without joining any or all individual commissioners.

h. To purchase complementary fidelity coverage for the fund in such amount and with such limitations or deductible limits as in its discretion it determines proper.

i. To pay reasonable and necessary attorney fees incurred by the commissioners of the supreme court in implementing chapter 35 of the Iowa Court Rules in disciplinary proceedings based on attorney defalcations or which are initiated pursuant to rule 39.2(3)(e).

j. To fund programs which the commission believes will assist in preventing defalcations by attorneys. The annual allocation for any such program shall not exceed two and one-half percent of the fund value as of the beginning of the fiscal year in which the funding is to occur. No such funding may be provided unless there is at least twice the minimum balance required by rule 39.6(4) in the fund at the beginning of the fiscal year in which the funding is to occur.

39.3(5) *Applications to the supreme court.* The commission may apply to the supreme court for interpretations of this chapter and of the extent of the commission's powers thereunder and for advice regarding the proper administration of the fund. Interpretations of the supreme court shall be obligatory when rendered.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 39.4 Audit — treasurer's duties — budget.

39.4(1) *Audit and report.* On March 1 of each year, and at such additional times as the supreme court may order, the commission shall file with the supreme court a written report reviewing in detail

the administration of the fund during the preceding calendar year together with an audit of the fund certified by a certified public accountant licensed to practice in Iowa.

39.4(2) *Treasurer's duties.* The treasurer elected by the commission shall maintain the assets of the fund in a separate account and shall disburse moneys from the fund only at the direction of the supreme court or upon the action of the commission pursuant to this chapter. The treasurer shall file a bond annually with the commission with such surety as may be approved by it and in such amount as it may fix. Premiums on said bond shall be paid by the fund. A separate bookkeeping account designated as the disciplinary fund account shall be maintained within the fund for moneys derived from the annual disciplinary fee set out in rule 39.5. Fees, penalties, or investment income derived from the investment of the income from annual disciplinary fees and penalties shall be placed in the disciplinary fund account.

39.4(3) *Budget.* At least 60 days prior to the commencement of each fiscal year, the commission shall submit to the supreme court its budget of operations of such year, which may be amended thereafter as necessity dictates.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007]

Rule 39.5 Annual disciplinary fee. As a condition to continuing membership in the bar of the supreme court, including the right to practice law before Iowa courts, every bar member, unless exempted, shall pay to the commission through the office of professional regulation an annual fee as determined by the supreme court to finance the disciplinary system. The annual fee shall be due on or before March 1 of each year, for that calendar year. A calendar year is defined as the period of time from January 1 through December 31. Members of the bar of the supreme court who certify in writing to the commission that they are a justice, judge, associate judge, or full-time magistrate of any court, spend full time in the military service of the United States following admission to the Iowa bar, are admitted on examination to the bar of Iowa during the current calendar year, or are issued a certificate of exemption pursuant to the provisions of rule 39.7 shall be exempt from payment of this fee.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007; December 2, 2011]

Rule 39.6 Fund assessments.

39.6(1) *Assessments.* As a condition to continuing membership in the bar of the supreme court, including the right to practice law before Iowa courts, every bar member, except one to whom a certificate of exemption has been issued pursuant to the provisions of rule 39.7, shall pay to the commission through the office of professional regulation the assessment specified in rule 39.6(2), or assessments provided by court order, [subject to rules 39.6(3), 39.6(4), and 39.6(5)] annually to prevent defalcations and insofar as practicable to provide indemnification for losses caused to the public by dishonest conduct of members of the Iowa bar. Assessments shall be due on or before March 1 of each year, for that calendar year. A calendar year is defined as the period of time from January 1 through December 31.

39.6(2) *Assessment schedule.*

For the calendar year of the member's admission on examination to the bar of Iowa, and for the calendar year thereafter. None.

For the calendar year of the member's admission on motion to the bar of Iowa \$50.

For the years other than those heretofore exempted, up to and including the fifth calendar year of admission to the bar of Iowa \$50 annually.

For the years after the fifth calendar year of admission to the bar of Iowa \$100 annually.

In making any of the above calculations, time spent full-time in the military service of the United States following admission to the Iowa bar and during the years under consideration shall be excluded.

[Court Order June 13, 1979; November 13, 1984; November 15, 1985; November 11, 1986; November 19, 1987; October 20, 1988; November 16, 1989; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; December 5, 2007]

39.6(3) *Alternative to fixed assessment.* Members of the bar of the supreme court may, at their election, instead of the fixed assessment set forth in rule 39.6(2), pay to the commission, as their assessment for any particular calendar year, an amount equal to one percent of their net income derived from the practice of law in Iowa for the preceding calendar year, but in no event less than \$25. Net income from the practice of law shall be for the purposes of this rule that amount shown on the federal income tax return of such members for the appropriate year as "profit or loss from business or

profession.” The commission may require members so electing to submit to the commission a copy of their federal income tax return for the appropriate year to substantiate the amount due hereunder.

39.6(4) *Certificate of sufficiency.* The commission shall determine the net value of the cash and securities in the fund for the purpose of preventing defalcation as of December 1 of each year. Whenever the value of such assets shall equal \$600,000 after deducting all claims and requests for reimbursement against the fund, not disposed of at the date of valuation, and all expenses properly chargeable against the fund, the commission shall file with the supreme court prior to December 31 of such year a certificate to that effect which shall be known as a certificate of sufficiency. When a certificate of sufficiency is filed with the supreme court, the annual assessment set forth in rule 39.6(2) for the next calendar year after the date of evaluation in said certificate shall be waived for each member of the bar obligated under the above schedule to pay any amount and who has paid assessments to the fund in the total sum of \$200 in prior years notwithstanding anything heretofore or hereinafter provided.

39.6(5) *Judges, government attorneys, corporate counsel.* In lieu of the assessment set forth in rule 39.6(2), any member of the bar of the supreme court who certifies in writing to the commission that the member is a justice, judge, associate judge, or full-time magistrate of any court, or one who performs legal services only for a governmental unit, or one who performs legal services only for a particular person, firm, or corporation (other than a professional legal corporation or a law firm) and stands in the legal capacity with such person, firm, or corporation as an employee, shall pay to the commission an assessment of \$25 annually while so engaged, provided that if under rule 39.6(4) the commission has filed a certificate of sufficiency with the court then the annual assessment for each bar member referred to herein who has paid to the commission a total of \$200 in assessments shall be waived each year that the certificate of sufficiency is filed by the commission. Provided, however, that a retired judge or justice recalled for temporary service shall not be required to pay an assessment or surrender their certificate of exemption.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007]

Rule 39.7 Certificate of exemption — required statement. A member of the bar of the supreme court who is not engaged in the practice of law in the state of Iowa may be granted a certificate of exemption by the commission, and thereafter no fee or assessment shall be required from such member unless the member thereafter engages in the practice of law in the state of Iowa, in which case the certificate of exemption shall without further order of court stand revoked and the member shall file at once the statement required by rule 39.8(1), and the questionnaire required by rule 39.11 and pay the fee and assessment due under rules 39.5 and 39.6. A member of the bar requesting a certificate of exemption shall file with the director the statement required by rule 39.8(1), and such part of the rule 39.11 questionnaire as the director may deem necessary to determine the member’s status. The practice of law as that term is employed in this chapter includes the examination of abstracts, consummation of real estate transactions, preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns as well as the representation of others in any Iowa courts, the right to represent others in any Iowa courts, or to regularly prepare legal instruments, secure legal rights, advise others as to their legal rights or the effect of contemplated actions upon their legal rights, or to hold oneself out to so do; or to be one who instructs others in legal rights; or to be a judge or one who rules upon the legal rights of others unless neither the state nor federal law requires the person so judging or ruling to hold a license to practice law.

[Court Order November 9, 2001, effective February 15, 2002; December 5, 2007]

Rule 39.8 Enforcement.

39.8(1) To facilitate the collection of the annual fee and assessment provided for in rules 39.5 and 39.6, all members of the Iowa bar required to pay the fee and assessment, and those exempted other than by rule 39.7, shall, on or before March 1 of each year, file a statement, on a form prescribed by the director, setting forth their date of admission to practice before the supreme court, their current residence and office addresses, and such other information as the director may from time to time direct. In addition to such statement, every bar member shall file a supplemental statement of any change in the information previously submitted within 30 days of such change. All persons admitted to practice before the supreme court shall file the statement required by this rule at the time of admission but no annual fee or assessment shall be payable until the time above provided. All attorneys failing to file the required statement by March 1 of each year shall, in addition to the annual fee and assessment

provided for above, pay a penalty¹ as set forth in the following schedule if the statement is filed after March 1. The penalty fees collected shall be used to pay the costs of administering the fund, or for such other purposes within the Office of Professional Regulation as the supreme court may direct.

²Penalty Schedule:

If Filed:	Penalty:
After March 1 but before April 2	\$100
After April 1 but before May 2	\$150
After May 1	\$200

39.8(2) Attorneys who fail to timely pay the fee and assessment required under rules 39.5 and 39.6, or fail to file the statement or supplement thereto provided in rule 39.8(1), may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, a notice of delinquency has been served upon them in the manner provided for the service of original notices in Iowa R. Civ. P. 1.305, or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys shall be given the opportunity during said 15 days to file in duplicate in the office of professional regulation an affidavit disclosing facts demonstrating the noncompliance was not willful and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of the clerk of the supreme court a request for hearing to show cause why their license to practice law should not be suspended. A hearing shall be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney shall be notified thereof by either of the two methods above provided for notice of delinquency.

39.8(3) Any attorney suspended pursuant to this chapter shall do all of the following:

- a. Within 15 days in the absence of co-counsel, notify clients in all pending matters to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another lawyer.
- b. Within 15 days deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property.
- c. Within 30 days refund any part of any fees paid in advance that have not been earned.
- d. Within 15 days notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties, of the suspension and consequent disqualification to act as a lawyer after the effective date of such discipline.
- e. Within 15 days file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.
- f. Keep and maintain records of the steps taken to accomplish the foregoing.
- g. Within 30 days file proof with the supreme court and with the Iowa Supreme Court Attorney Disciplinary Board of complete performance of the foregoing, and this shall be a condition for application for readmission to practice.

39.8(4) Any attorney suspended pursuant to this chapter shall refrain, during such suspension, from all facets of the ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; and acting as a fiduciary. Such suspended attorney may, however, act as a fiduciary for the estate, including a conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

39.8(5) Attorneys who have been suspended pursuant to this chapter or who currently hold a certificate of exemption and who practice law or who hold themselves out as being authorized to practice law in this state are engaged in the unauthorized practice of law and may also be held in

1. The penalty prior to January 1, 2009, is \$25.

2. Penalty schedule effective January 1, 2009.

contempt of the court or may be subject to disciplinary action as provided by chapter 35 of the Iowa Court Rules.

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; April 25, 2008³; June 5, 2008, effective July 1, 2008; January 19, 2010]

Rule 39.9 Claims.

39.9(1) The commission shall consider for payment all claims resulting from the dishonest conduct of a member of the bar of this state acting either as an attorney or fiduciary, provided that all of the following are established:

a. Said conduct was engaged in while the attorney was a practicing member of the bar of this state and the claim arises out of the practice of law in this state.

b. Such defalcation or dishonest conduct occurred after January 1, 1974.

c. The claim is made within one year after the client's discovery of the loss; provided, however, such time limitation in unusual circumstances may be extended by the commission in its discretion for good cause shown.

d. The claim is made directly by or on behalf of the injured client or the client's personal representative or, if a corporation, by or on behalf of itself or its successors in interest.

e. The commission is satisfied that there is no other source or collateral source for the reimbursement of the loss.

f. Claims shall not be paid which arise out of an employer-employee relationship as distinguished from a lawyer-client relationship or a fiduciary relationship.

39.9(2) The commission is invested with the power, which it shall exercise in its sole discretion, to determine whether a claim merits reimbursement from the fund, and if so, the amount of such reimbursement, the time, place and manner of its payment, the conditions upon which payment shall be made, and the order in which payment shall be made. The commission's powers in this respect may be exercised only by the affirmative vote of at least four commissioners. In making such determinations, the commission shall consider among other appropriate factors, the following:

a. The amounts available and likely to become available to the fund for the payment of claims and the size and number of claims which are likely to be presented.

b. The total amount of reimbursable losses in previous years for which total reimbursement has not been made, if any, and the total assets of the fund.

c. The amount of the claimant's loss as compared to the amount of losses sustained by other eligible claimants.

d. The degree of hardship suffered by the claimant as a result of the loss.

e. The degree of negligence, if any, of the claimant which may have contributed to the loss.

f. The total amount of losses caused by defalcations of any one attorney or associated group of attorneys.

39.9(3) The commission shall, by regulation approved by the supreme court, fix the maximum amount which any one claimant may recover from the fund and the aggregate maximum amount which may be recovered because of the dishonest conduct of any one attorney.

39.9(4) No claimant or any other person or organization shall have any right in the fund as third-party beneficiary or otherwise. Reimbursement by claim on the fund shall be a matter of grace and not of right.

39.9(5) The commission may require as a condition to payment that the claimant execute an assignment of claimant's right against the defaulting lawyer.

39.9(6) No claimant need be represented by counsel before the commission. No attorney representing a claimant shall receive a fee for services from the fund. Any agreement for compensation between a claimant and any attorney retained for prosecution of the claim shall be subject to the approval of the commission.

39.9(7) The commission may request individual lawyers, bar associations, and other organizations of lawyers to assist the commission in the investigation of claims.

39.9(8) The payment or denial of any claim filed under the provisions of this rule shall be inadmissible as evidence in any disciplinary or contempt proceeding.

[Court Order December 5, 1973; April 22, 1974; October 16, 1974; April 9, 1975; April 10, 1975; August 29, 1975; October 28, 1976; November 21, 1977; January 15, 1979; June 20, 1980; April 21, 1982; November

3. Penalty schedule in 39.8(1) effective January 1, 2009

13, 1984; April 25, 1985; February 16, 1990, effective March 15, 1990; December 15, 1994, effective January 3, 1995; March 6, 1995; January 24, 2000; November 9, 2001, effective February 15, 2002]

Rule 39.10 Investigations and audits.

39.10(1) Each member of the bar of Iowa, in filing the statement required by rule 39.8(1), shall authorize the director to investigate, audit, and verify all funds, securities, and other property held in trust by the member, and all related accounts, safe deposit boxes, and any other forms of maintaining trust property as required by Iowa Rule of Professional Conduct 32:1.15 and chapter 45 of the Iowa Court Rules, together with deposit slips, canceled checks, and all other records pertaining to transactions concerning such property.

39.10(2) Each member of the bar of Iowa shall comply promptly with any request by the director to execute and deliver to the director a written authorization, directed to any bank or depository, for the director to audit and inspect such accounts, safe deposit boxes, securities, and other forms of maintaining trust property by the member in such bank or other depository.

39.10(3) Each member of the bar of Iowa shall do all of the following:

a. Cooperate fully with the director in any investigation, audit, or verification of any funds, securities, or property held in trust by that lawyer.

b. Answer all questions posed by the director which relate to any investigation, audit, or verification, unless claiming the privilege against self-incrimination.

c. Retain complete records of all trust fund transactions for a period of not less than six years following completion of the matter to which they relate, in accordance with Iowa Rule of Professional Conduct 32:1.15 and Iowa Ct. R. 45.2(2).

39.10(4) The commission with the approval of the supreme court may retain, compensate from the fund, and furnish as staff for the director, such public or certified accountants, investigators, or attorneys as may be deemed necessary to carry out the duties and functions imposed upon the director. When acting under the director's supervision and direction, such staff personnel shall have all the powers granted to the director by this chapter.

39.10(5) When the investigation, audit, or verification provisions of this chapter disclose, in the opinion of the director, a violation of the Iowa Rules of Professional Conduct, or when the member of the bar of Iowa affected by the investigation, audit, or verification has refused to comply with the provisions of this chapter, the director shall promptly report such circumstances to the commission. A copy of such report shall be furnished to the member affected.

39.10(6) However, client trust funds and property held by an Iowa licensed attorney whose law office is situated in another state shall not be subject to investigation, audit, or verification except to the extent such funds and property are related to matters affecting Iowa clients. State or federal funds or property subject to state or federal auditing procedures and in control of an Iowa licensed attorney employed full- or part-time by a state or the United States shall not be subject to investigation, audit, or verification under the provisions of this chapter.

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007]

Rule 39.11 Annual questionnaire.

39.11(1) The director under the supervision of the supreme court and the commission shall prepare a questionnaire to be annually submitted to and completed by each member of the bar of Iowa except those who have been issued a certificate of exemption pursuant to rule 39.7. Said questionnaire may be (but is not required to be) incorporated as a part of the annual statement provided in rule 39.8(1). This questionnaire shall elicit information to determine whether the member is complying with the Iowa Court Rules, including but not restricted to, Iowa Rule of Professional Conduct 32:1.15 and chapter 45 of the rules. The commission may prescribe an electronic format for the questionnaire and annual statement and require submission of the questionnaire and annual statement in that form.

39.11(2) A failure to complete and return a questionnaire shall be addressed as provided in rule 39.12.

[Court Order November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; December 5, 2007; June 5, 2008, effective July 1, 2008]

Rule 39.12 Investigations, audits, and annual questionnaire — enforcement.

39.12(1) *Failure of bar members to cooperate.*

a. The continued right of a member of the Iowa bar to practice law in this state is conditioned upon the member executing and delivering the authorization provided in rule 39.10(2), furnishing the cooperation required in rule 39.10(3), and completing and returning the annual questionnaire described in rule 39.11. Upon failure of a member of the Iowa bar to comply with any of the rules specified in this paragraph, the member's right to practice law before Iowa courts may be suspended, following the procedure specified in rule 39.8(2).

b. A member of the bar of Iowa who willfully fails to comply with those rules enumerated in rule 39.12(1)(a) may be held in contempt of the supreme court or may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules.

39.12(2) *Violation of the Iowa Rules of Professional Conduct.*

a. When the audit, investigation, or verification of funds, securities, or other property held in trust by any member of the bar of Iowa, or a return of any member on the annual questionnaire, discloses an apparent violation of the Iowa Rules of Professional Conduct, the director upon request of the commission, or the commission, may institute disciplinary proceedings under chapter 35 of the Iowa Court Rules for the suspension or revocation of the member's license to practice law in this state.

b. All information obtained by the director and staff by virtue of the audits, investigations and verifications, and annual questionnaire, shall be held in strict confidence by them and by the supreme court and the commission unless otherwise directed by the supreme court or unless proceedings are initiated pursuant to chapter 35 of the Iowa Court Rules or Iowa Code section 602.10123. If proceedings are initiated pursuant to chapter 35 of the Iowa Court Rules, such information relating to the named respondent may be released only to the respondent, the disciplinary board, and the grievance commission. If proceedings are initiated pursuant to Iowa Code section 602.10123, such information relating to the named accused may be released only to the accused and the attorney general or the special assistant attorney general designated pursuant to Iowa Code section 602.10127, to prosecute the charges.

39.12(3) *Commission subpoena authority.*

a. The commission shall have subpoena power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person designated to conduct the investigation on behalf of the commission.

b. The commission chair, or other commission member in the absence of the chair, shall have authority to issue a subpoena.

c. The district court for the county in which the investigation is being conducted shall have jurisdiction over any objection or motion relating to a subpoena and authority to punish disobedience of a subpoena in a contempt proceeding.

d. Counsel for the commission, the director, or any other person authorized to administer oaths shall have authority to administer an oath or affirmation to a witness.

[Court Order December 5, 1973; September 19, 1974; October 16, 1974; April 9, 1975; April 30, 1982; August 14, 1986, and August 18, 1986, effective September 2, 1986; May 10, 1990, effective July 2, 1990; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 9, 2003; April 20, 2005, effective July 1, 2005; December 5, 2007]

Rule 39.13 Attorneys acting as fiduciaries.

39.13(1) After January 1, 1974, unless a lawyer is the spouse of or is the son-in-law or daughter-in-law of or is related by consanguinity or affinity, within the third degree, to the decedent in an estate, the ward in a conservatorship, the settlor or beneficiary of a trust, or unless such attorney is coexecutor, cotrustee, or coconservator with another party or parties and such other party or parties will receive and pay out any of the funds, securities or other property of the estate, trust, or conservatorship, such lawyer shall not be appointed by a court in any fiduciary capacity for an estate, trust, or conservatorship until the lawyer has posted a bond in an amount to be determined by the court with sureties approved by the court, and no waiver of such bond shall be recognized by any court of this state. In the event the surety on the bond posted by the lawyer is not a corporate surety, the surety thereon shall not be the ward, any beneficiary or distributee or be related to the lawyer, the ward, or any beneficiary or distributee within the third degree of consanguinity or affinity.

39.13(2) A lawyer who willfully fails to comply with the provisions of this rule may be held in contempt of the supreme court, or may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 39.14 Reinstatement from exemption or suspension.

39.14(1) An attorney who has been suspended for failure to pay the annual fee or assessment or for failure to file the statement, supplement, or questionnaire required by these rules may be reinstated upon a showing that such failure was not willful and by filing the statement required by rule 39.8(1) and the questionnaire required by rule 39.11. An attorney seeking reinstatement after suspension for failure to comply with the provisions of this rule shall pay all delinquent fees, assessments and late filing penalties due under rules 39.5, 39.6 and 39.8, and a reinstatement fee of \$100.

39.14(2) An attorney who applies for reinstatement from suspension under the provisions of chapter 35 shall first file the statement required by rule 39.8(1) and the questionnaire required by rule 39.11, pay all fees, assessments and late filing penalties due and unpaid under rules 39.5, 39.6 and 39.8 at the time of the suspension, pay the current fee and assessment required by rules 39.5 and 39.8, and a reinstatement fee of \$100.

39.14(3) An attorney who has been granted a certificate of exemption under the provisions of rule 39.7 may be reinstated after filing the statement required by rule 39.8(1) and the questionnaire required by rule 39.11, paying all late filing penalties due at the time the exemption was granted, and paying the current fee and assessment required by rules 39.5 and 39.6.

[Court Order April 25, 2008; August 10, 2009]

Rule 39.15 Denial of reinstatement for failure to comply with certain obligations.

39.15(1) *Denial of reinstatement for failure to comply with an obligation owed to or collected by the centralized collection unit of the department of revenue.* The supreme court may deny a lawyer's application for reinstatement under rule 39.14 for failure to comply with an obligation owed to or collected by the centralized collection unit of the department of revenue. The procedure shall be governed by rule 35.21.

39.15(2) *Denial of reinstatement for failure to comply with an obligation owed to or collected by the College Student Aid Commission.* The supreme court may deny a lawyer's application for reinstatement under rule 39.14 for failure to comply with an obligation owed to or collected by the College Student Aid Commission. The procedure shall be governed by rule 35.20.

39.15(3) *Denial of reinstatement for failure to comply with a support order.* The supreme court may deny a lawyer's application for reinstatement under rule 39.14 for failure to comply with a support order. The procedure shall be governed by rule 35.19.

[Court Order June 5, 2008, effective July 1, 2008]

CHAPTER 46

RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

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CHAPTER 46

RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

Rule 46.1 Authorization and scope. The rules in this chapter are adopted in conjunction with Iowa Code sections 602.3101 through 602.3302. They apply to all proceedings, functions, and responsibilities of shorthand reporters and the board of examiners.
[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.2 Definitions.

“Certified shorthand reporter” is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer — technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter’s duties, legal procedure, and correct English usage at 70 percent accuracy or better. The Iowa designation of certified shorthand reporter is not granted by reciprocity. However, individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing said association’s examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter’s duties, legal procedure, and correct English usage at 70 percent accuracy or better.

“Shorthand” is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.

“Shorthand reporting” as used in this chapter is the professional skill whose practice by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.3 Organization, meetings, and information.

46.3(1) The officers of the board shall be a chairperson, selected by the supreme court of Iowa, and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each shall perform the duties incumbent upon the office.

46.3(2) The board shall hold regular meetings for examination of applicants and the transaction of other business on the second Saturday of March and September of each year in Des Moines, Iowa, commencing at 9 a.m., or at such other times or places as the board may hereafter designate. Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board shall constitute a quorum. Business shall not be conducted unless a quorum is present. All actions of the board shall require a simple majority vote of those present.

46.3(3) The board shall, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget, covering the board’s operations for the upcoming fiscal year. Approval of the budget by the court shall authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account shall be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement shall be deposited in the certified reporter operating account for payment of the board’s authorized expenditures.

46.3(4) The director of the office of professional regulation shall serve as the administrator for the board. Information may be obtained from the director at the Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.4 Applications. Candidates for examination shall make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose shall include illness, military service, unavoidable casualty or misfortune or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter shall not be examined until said applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:

46.4(1) The applicant has attained proficiency of 200 words per minute or more in a shorthand reporting course.

46.4(2) The applicant has had at least two years of experience as a shorthand reporter in making verbatim records of judicial or related proceedings.

46.4(3) The applicant has graduated from a shorthand reporting school approved by the National Court Reporters Association.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.5 Examination.

46.5(1) Applicants shall be required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as shall be required at varying speeds within the standard.

46.5(2) Applicants shall be examined with respect to their knowledge of the statutory duties of a court reporter, general court procedure, and correct English usage.

46.5(3) Applicants shall be required to transcribe such part of the dictation as the board of examiners may indicate.

46.5(4) Applicants shall be required to read aloud such part of the dictated matter as the board of examiners may indicate.

46.5(5) Applicants shall be required to furnish their own equipment and supplies for taking shorthand. Applicants shall make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.

46.5(6) Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination shall be returned to the board.

46.5(7) Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters shall be used as a guide to procedure.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.6 Certification. Each person who has achieved the designation of certified shorthand reporter shall be issued a certificate by the board of examiners. The certificate may be signed by the chairperson and secretary or by all of the board members.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.7 Fees.

46.7(1) The fee for each examination is \$100.

46.7(2) The fee for annual renewal is \$60.

46.7(3) The fee for late filing of an annual report is \$100.

46.7(4) The fee for reinstatement from a suspension is \$100.

46.7(5) The fee for reinstatement for one granted a certificate of exemption is \$50.

46.7(6) The fee for an extension for obtaining continuing education credit is \$50.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.8 Continuing education requirement.

46.8(1) Units of continuing education credits as approved by the board of examiners of shorthand reporters shall be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements shall be grounds for disciplinary action under rule 46.11. In order to comply, a reporter shall meet the requirements of rule 46.8(1)(a) or 46.8(1)(b):

a. Obtain at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand

reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit shall equal .1 continuing education unit.

Continuing education activities shall be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional or state seminar will be acceptable.

Continuing education units earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but can not be carried over to any successive three-year period.

Commencing October 1, 2002, the annual reporting cycle shall run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.

b. In lieu of the requirements set forth in rule 46.8(1)(a), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.

46.8(2) The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application is made and signed by the reporter. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.

46.8(3) Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption shall contain a statement that the applicant will not engage in the practice of shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.

46.8(4) Inactive practitioners who have been granted a certificate of exemption from these regulations shall, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of \$50, and

b. Furnish in the application evidence of one of the following:

(1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.

(2) Completion of continuing education units (CEUs) sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.

(3) Successful passing of either the state of Iowa's certificate examination or the National Court Reporters Association's examination within one year immediately prior to the submission of such application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.9 Approval of activity. A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations shall submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested therefor. Within 60 days after receipt of such application, the board shall advise the reporter in writing by ordinary mail whether the activity is approved and the number of hours allowed therefor. A reporter not complying with the requirements of this rule may be denied credit for such activity.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.10 Continuing education reports.

46.10(1) On or before December 1 of each year, each reporter shall file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the prior reporting period. Said report, along with the annual renewal fee, shall be sent to the board's office, Office of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des

Moines, Iowa 50319. The board may prescribe an electronic report form and require submission of the report in that form.

46.10(2) All active reporters who fail to file the annual report on or before December 1 of each year shall pay a penalty of \$100.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.11 Penalty for failure to satisfy continuing education requirements. The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits; provided that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa R. Civ. P. 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter shall be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board shall grant a hearing if requested. If the board orders a suspension or revocation it shall notify the reporter by either of the methods provided above. The suspension or revocation shall continue until the board has approved the reporter's written application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.12 Disciplinary action. The board may, upon its own initiative, or at the request of the supreme court of Iowa, or complaint by a third party, begin disciplinary procedures for violations of the board rules or the Code of Iowa against any reporter.

46.12(1) Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint shall include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter which the complainant may have concerning the matter.

46.12(2) Such complaint, which will be held in confidence as required by law, shall be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board shall, in writing, advise the reporter of the charges involved. The reporter shall have 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board shall then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.13 Causes for disciplinary action. The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

46.13(1) All grounds listed in Iowa Code section 602.3203.

46.13(2) Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

46.13(3) Conviction of a misdemeanor related to the profession or occupation of the reporter.

46.13(4) Unless otherwise required by law, a violation of Iowa R. Civ. P. 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

46.13(5) The board's receipt of a certificate of noncompliance from the Child Support Recovery Unit, pursuant to the procedures set forth in Iowa Code chapter 252J.

46.13(6) The board's receipt of a certificate of noncompliance from the College Student Aid Commission, pursuant to the procedures set forth in Iowa Code chapter 261.

46.13(7) The board's receipt of a certificate of noncompliance from the Centralized Collection Unit of the Department of Revenue, pursuant to the procedures set forth in Iowa Code chapter 272D.

[Court Order June 5, 2008, effective July 1, 2008; December 12, 2011]

Rule 46.14 Contested case proceedings.

46.14(1) Contested case proceedings which involve possible disciplinary sanctions shall be set for hearing on not less than ten days' notice to all parties. Notice of hearing shall be in writing and shall be served either by personal service or certified mail, return receipt requested.

46.14(2) The notice shall include all of the following information:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.

46.14(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjustment is granted, proceed with the hearing and make a decision in the absence of the party.

46.14(4) Opportunity should be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

46.14(5) Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by another method agreed upon by the parties in writing.

46.14(6) After the conclusion of a hearing, the board shall take any of the actions set forth in rule 46.15. The board's actions shall be set forth in writing, and a copy of the conclusions and decisions shall be served upon all parties and the supreme court of Iowa. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board shall be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it shall report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.

46.14(7) Procedures for the handling of all contested case proceedings shall, to the extent not specifically set forth in this chapter, be governed by the Iowa Administrative Procedure Act.

[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.15 Disciplinary sanctions. The board may, based upon the evidence presented, take one or more of the following actions:

46.15(1) Dismiss the charges.

46.15(2) Informally stipulate and settle any matter relating to the reporter's discipline.

46.15(3) Require additional professional education.

46.15(4) Issue a citation and warning regarding the reporter's behavior.

46.15(5) Reprimand.

46.15(6) Impose a period of probation.

46.15(7) Suspend the certificate.

46.15(8) Revoke the certificate.

[Court Order June 5, 2008, effective July 1, 2008]